

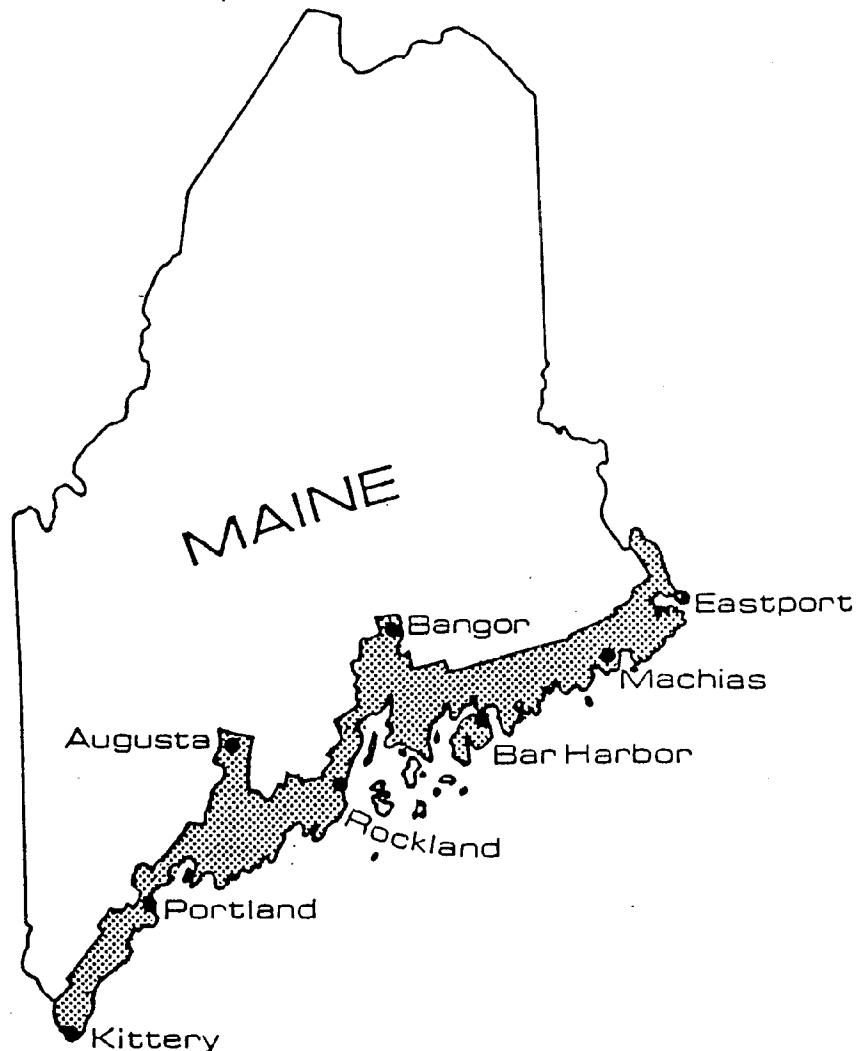
Extra Copy

QX9 U12

Maine's Coastal Program

PROGRESS REPORT

February through April, 1990



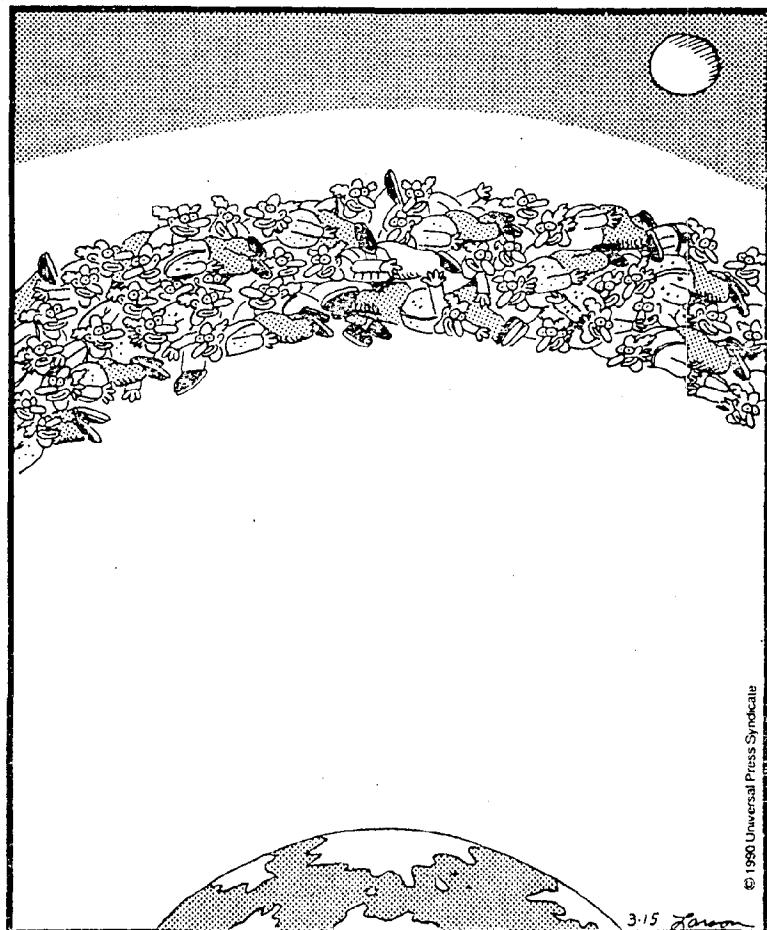
HT
.M2
M35
FEB-APR
1990

State Department

Maine State Planning Office

THE FAR SIDE

By GARY LARSON



The bozone layer: shielding the rest of the solar system from the Earth's harmful effects.

Financial assistance for preparation of this report was provided by a grant from the U.S. Department of Commerce, Office of Ocean & Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended.

M A I N E ' S C O A S T A L P R O G R A M

Progress Report

February through April, 1990

CZ083 (1988-89)
CZ100 (1989-90)

US Department of Commerce
NOAA Coastal Services Center Library
2234 South Hobson Avenue
Charleston, SC 29405-2413

Submitted to

The National Oceanic & Atmospheric Administration
Office of Ocean & Coastal Resource Management
Washington, D.C. 20235

Maine State Planning Office
State House Station No. 38

Augusta, Maine 04333
Tel. (207) 289-3261

TABLE OF CONTENTS

	<u>Page</u>
<u>STATUS of 1988-89 GRANT TASKS -- (CZ083 Award)</u>	
Task 1 -- Improving Program Core Law Enforcement & Implementation	1
A. DEP - Core Law Administration & Enforcement	
B. DEP - Improving Marine Water Quality Through Better Shoreline Management	
C. DOC - Improving Technical Reviews of Core Law Applications	
Task 2 -- Strengthening Technical Assistance to Towns	1
A. Local Planning & Waterfront Grants	
B. Local Assistance to Municipalities	
C. Regional Council Coastal Coordinators	
Task 3 -- Increasing Public Shoreline Access Opportunities	3
A. Shoreline Right-of-Way Discovery Program	
B. Acquiring Shoreline Access Sites	
Task 4 -- Promoting Working Waterfronts	
A. Maine Marine Alliance -- Implementation	3
B. Addressing the Impact of Aquaculture on the Marine Environment	3
C. Strengthening Port and Harbor Management	4
Task 5 -- Program Oversight & Implementation	4
A. Public Education	
B. OCS Oversight	

STATUS OF 1989-90 GRANT TASKS -- (CZ100 Award)

Task 1 -- Core Law Enforcement & Administration	7
A. DEP -- Core Law Enforcement & Administration	
B. DOC/MGS -- Geologic Review of Core Law Applications	
Task 2 -- Local Technical & Financial Assistance	7
A. DECD -- Municipal Planning & Waterfront Action Grants	
B. DECD -- Municipal Technical Assistance	
C. DECD -- Regional Council Assistance	
Task 3 -- Acquiring Shoreline Access Sites for Public Use	7
Task 4 -- Coastal Policy Development	
A. Allocating Maine's Marine Waters	7
B. Island Development & Conservation Strategy	18
C. Estuarine Strategy	18
Task 5 -- Program Administration & Implementation	
A. Public Education Initiative & Coastweek	18
B. OCS Oversight	21
C. Other	21
(1) Gulf of Maine Activities	
(2) Water Dependent Uses	
(3) Administrative	

EXHIBITS

E-1	DEP Quarterly Report	1.1
E-2	DEP Issue Profile, Mandatory Shoreland Zoning Act	2.1
E-3	Nexus (DECD Newsletters), March & April, 1990	3.1
E-4	Quarterly Reports from Coastal Coordinators	4.1
E-5	Gaining Ground (LMFB Newsletter), March-April, 1990	5.1
E-6	List of Products, CZ083 Award (1988-89)	6.1
E-7	List of Products, CZ100 Award (1989-90)	7.1

prog5-90.rpt

STATUS OF GRANT TASKS
CZ083 -- 1988-89

Task 1 -- Improving Program Core Law Enforcement & Implementation

A. DEP - Core Law Administration & Enforcement
(See Task 1A under CZ100.)

B. DEP - Improving Marine Water Quality Through Better Shoreline Management

(Completion reported previously, but note clipping reproduced below regarding designation of Casco Bay as part of the National Estuary Program, which came about as a result of work on this task.)

C. DOC - Improving Technical Reviews of Core Law Applications

(Completion reported previously.)

Task 2 -- Strengthening Technical Assistance to Towns

A. Local Planning & Waterfront Grants

(Completion of each local Planning and Waterfront Action Grant was reported previously.)

B. Local Assistance to Municipalities

(Completion reported previously. See Task 2B under Maine's CZ100 Award for 1989-90.)

C. Regional Council Coastal Coordinators

(Completion reported previously. See Task 2C under Maine's CZ100 Award for 1989-90.)

Task 3 -- Increasing Public Shoreline Access Opportunities

A. Shoreline Right-of-Way Discovery Program

(Completion of this Significant Improvement Work Task was reported previously. The last report under this program, entitled Coastal Right-of Way Rediscovery Programs: A Handbook for Local Researchers, DECD/OCP, December 1989, is transmitted with this Progress Report, along with a related report entitled A Guide to the Liability of Maine Landowners Providing Public Access, DECD/OCP, Dec. 1989.)

Bush puts Casco Bay on list of waterways targeted for cleanup

By CHRISTOPHER CONNELL
Associated Press Writer

4/21-22/90

ORLANDO, Fla. — President Bush designated five environmentally troubled waterways Friday for intense review and development of cleanup plans, including southern Maine's Casco Bay and the bay that leads into Boston's polluted harbor.

The president said the waterways in Maine, Massachusetts, Louisiana and Florida would become part of the National Estuary Program and be eligible for some of the \$16 million in federal funds under the program.

Congress established the National Estuary Program in 1987 to help protect and improve the environmental quality of significant estuaries. Twelve estuaries already are in the conservation program.

Under the program, federal and state money is used for a five-year study and planning effort aimed at identifying key environmental problems and ways to resolve them. States must provide some matching funds.

The five waterways singled out by Bush are Tampa Bay and the Indian River Complex, both in Florida; the Barataria-Terrebonne Estuarine Complex in Louisiana; Casco Bay in Maine; and Massachusetts Bay.

Elected leaders from Maine hailed the inclusion of Casco Bay, where pollution has been the focus of increasing concern in recent years.

In Augusta, Maine Gov. John McKernan said the designation would generate about \$1 million over five years toward preparation of a cleanup strategy.

"Not a bad Earth Day present from Washington," McKernan told reporters at a briefing several hours before Bush made the announcement official.

Senate Majority Leader George J. Mitchell (D-Maine) said in a prepared statement that he was "delighted" by the announcement and called the designation "an important step in our efforts to protect the quality of the marine environment in Maine and the nation."

U.S. Rep. Joseph E. Brennan, who is challenging McKernan for governor, said the designation would provide help to a bay "increasingly threatened by pollution and population pressures."

Sen. William S. Cohen said Casco Bay "deserves the attention and resources of state and federal officials if it is to remain open to fishing, boating, swimming and other activities important to Maine's economy."

Bush, speaking at a fund-raising dinner for Florida's Republican Party in Orlando, said he was pleased to make the announcement on expanding the estuary program "as we head into the Earth Day."

"It's a good first step," Rudy Rosen, an expert waterway conservation problems for the National Wildlife Federation, of the president's action.

But Rosen added that the designation would mean little if not followed by further action. "Designation is great, but it's got to be backed with regulatory enforcement, both state and federal, and the money to do the job," he said in an interview.

Paul Prichard, president of the National Parks and Conservation Association, called the announcement "a good step" but said on many environmental areas the president has "backtracked badly" from campaign promises.

Bush also came under attack Friday from congressional Democrats who accused the president of not following his rhetoric with action on environmental issues.

A group of Democratic senators, including Mitchell, criticized Bush for not moving more aggressively to deal with global warming, opting instead to call for additional research.

Sen. Albert Gore (D-Tenn.) said Bush failed to "provide the leadership" earlier in the week at an international White House conference on global warming. European delegates have sought commitments on specific reductions in carbon dioxide emissions, while the White House has said more research is needed for such pollution controls should be sought.

"President Bush refused to call the nation to action on the serious problem of global warming, rather he used (the conference) to call attention to all of the obstacles," said Mitchell at a news conference to discuss Earth Day.

In the House, Democrats called on Bush to celebrate Earth Day by declaring his support for legislation that would force federal agencies to comply with the same environmental laws the government imposes on industry.

B. Acquiring Shoreland Access Sites

(Completion reported previously. See the Land for Maine's Future Board Acquisitions Summary on the following page and Exhibit E-6, "Gaining Ground," the LMFB newsletter.)

Task 4 -- Promoting Working Waterfronts

A. Maine Marine Alliance - Implementation

(Task completed. Nothing new to report for this reporting period.)

B. Addressing the Impact of Aquaculture on the Marine Environment

Parametrix, Inc., of Seattle, started work on their contract to assess the State's aquaculture regulations. Don Weitkamp and Jon Boyce of Parametrix, who are recognized experts on aquaculture management, traveled to Maine in late February to collect data on Maine's aquaculture industry and coastal environment. They met with representatives of the Dept. of Marine Resources, the DEP, the SPO, and leaders of Maine's maritime industries, including the executive directors of the Maine Lobstermen's Association and the Maine Sardine Council.

Drs. Weitkamp and Boyce participated in a workshop organized by the SPO on the environmental impacts of salmon culture in the Gulf of Maine. They also interviewed aquaculturists, scientists, regulators and citizens concerned with the careful management of this new industry. Information collected during this field visit complements literature reviews and analysis of aquaculture regulatory programs in effect in other parts of the world.

Representatives of DMR, DEP and SPO are working with Parametrix to provide relevant technical data on environmental characteristics of the State's coastal waters.

On March 1 and 2, 1990, a workshop was held in St. Andrews, Nova Scotia to promote discussion of the environmental impacts of finfish culture in the Gulf of Maine. Sponsored by the Gulf of Maine Working Group, the workshop provided an opportunity for scientists, policy makers, and managers from throughout the Gulf region to discuss the current state of knowledge regarding the impacts of pen culture, regulatory steps necessary to protect environmental health, and research needs. Over sixty participants listened to presentations by scientists and regulators on research and regulatory programs carried out at cage sites throughout the eastern Maine-new Brunswick-Nova Scotia region. Specific topics included: the nature and scale of the risks to the environment from cage culture; the role of monitoring in regulation, parameters to be monitored, and

LMF Acquisitions Summary through February 22, 1990

<u>Property/MI/FF/Acres</u>	<u>LMF Funds</u>	<u>Cash Match</u>	<u>Property Match</u>	<u>In-kind Match</u>	<u>Appraisal</u>	<u>Testing/Survey</u>	<u>Legal Services</u>	<u>Archaeological Survey</u>
Kennebunk Plains 1041 Acres	\$ 2,061,800	\$500,000 FF&W 50,000 KKWWWD 13,398 Kennebunk 10,000 RLT	\$540,000 TNC	\$175,000 TNC 80,000 KKWWWD	\$ 4,400	\$55,000		\$ 3,070
Dodge Point 7000 FF 497 Acres	\$ 2,050,000	\$230,000 DRA 50,000 MCP	\$ 40,000 DRA	\$ 20,000 DRA 20,000 Newcastle	--	--	\$ 1,627	\$ 3,200
Shackford Head 2.5 MI 90 Acres	\$ 525,000	\$ 35,000 MCP			\$ 1,800	--	\$10,750	--
Mt. Kineo 3.5 MI 800 Acres	\$ 750,000			--		--		\$ 2,934
Sandy Point Beach 3000 FF 100 Acres	\$ 822,125	\$ 35,000 MCP		--		\$18,094		\$ 1,420*
Cutler Coast 4.5 MI 2100 Acres	\$ 2,500,000				\$ 2,400	--		
Tide Mill Farm 5.25 MI 1523 Acres	\$ 1,075,000 ¹				\$ 2,400	\$ 7,000		\$ 4,050*4
Commissary Point 2 MI 250 Acres	\$ 515,000 ²				\$ 7,400 ⁴		\$ 4,000	--
Alice Wheeler Farm 330 Acres	\$ 380,000 ³				\$ 1,300		\$ 8,450	
<u>TOTALS</u> <u>19.75 MI</u> <u>640⁵ Acres</u>	<u>\$10,678,925</u>	<u>\$743,748</u>	<u>\$380,000</u>	<u>\$295,000</u>	<u>\$17,700</u>	<u>\$9,544</u>	<u>\$12,377</u>	<u>\$14,674</u>
	<u>306</u>							
	<u>6707</u>							

*Pending Board action
 1 -- 3 acres fee, 1520 acres conservation easement; 2 -- 200 acres fee, 50 acres easement; 3 -- purchase of development rights; 4 -- purchase of development rights; 4 -- figure includes combined costs for both Tide Mill Farm & Commissary Point

Study to look at aquaculture close to home

HALLOWELL, ME - This is not about Puget Sound. This is not about the fjords of Norway. This, finally, is a study about the environmental effects of finfish aquaculture in Maine.

On Jan. 9, the state Department of Marine Resources (DMR), using federal funds, awarded a \$36,826 contract to Parametrix Inc., a private environmental consulting firm based in Bellevue, WA, to carry out the study. The report is due July 31.

According to the contract, Parametrix, in addition to a long list of other charges, must:

- Design a monitoring procedure to be employed by finfish aquaculturists in Maine;
- Compile an inventory of "regulatory and statutory approaches to managing aquaculture as implemented or contemplated in other parts of this country and the world;" and
- Design a research program to determine the range of environmental quality conditions in the coastal waters of Maine.

According to DMR Deputy Commissioner Penn Estabrook, the Parametrix study is especially important because it will make recommendations relevant to the industry in Maine.

To date, anyone seeking information on pen culture has had to study aquaculture ventures in other states or other countries,

where environmental conditions are different from those in Maine.

According to DMR Commissioner Bill Brennan, the department plans to implement additional aquaculture regulations — or modify existing ones — based on recommendations made in the study.

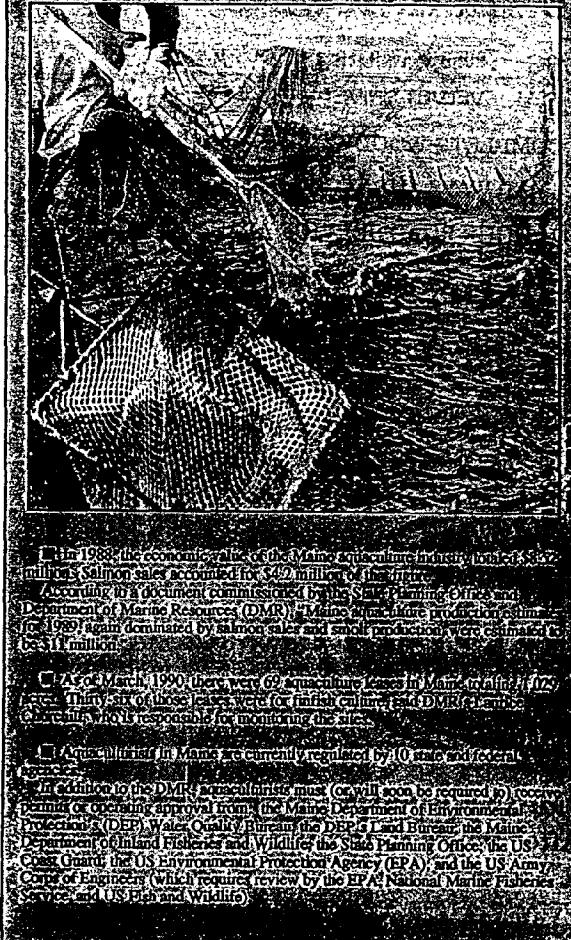
Estabrook, in summarizing the purpose of the study, said, "Based on the scientific literature in the field, known data, and existing protocol pertaining principally to net pen aquaculture, Parametrix is to recommend a monitoring (system) to be used by industry to monitor environmental conditions attendant to their operations."

Estabrook continued, "(Parametrix will also) recommend an environmental assessment and monitoring program for DMR to employ for purposes of pre-lease assessment and long term monitoring. This will serve to amplify existing criteria and procedures already in place (in Maine)."

The DMR began soliciting proposals for the study in September 1988. According to DMR spokesman Marshall Murphy, the DMR and Parametrix agreed on the terms of the contract by October 1989. However, the contract then went through a legal review process in the attorney general's office that prevented the groups from finalizing the deal until January.

Janice M. Plante

A few facts about Maine aquaculture



In 1988, the economic value of the Maine aquaculture industry totalled \$3.5 million. Salmon sales accounted for \$2.2 million of the value.

According to a document commissioned by the State Planning Office and the Department of Marine Resources (DMR), "Maine aquaculture production estimates for 1989 again dominated by salmon sales and smolt production were estimated to be \$11 million."

As of March 1990, there were 62 aquaculture leases in Maine, totaling 1,077 acres. Thirty-six of these leases were for finfish culture, and DMR's Bureau of Coastal Resources is responsible for managing leases.

Aquaculture in Maine is currently regulated by 10 state agencies.

In addition to the DMR aquaculture lease (it will soon be required to) a permit of operating approval from the Maine Department of Environmental Protection's (DEP) Water Quality Bureau, the DEP's Land Bureau, the Maine Department of Inland Fisheries and Wildlife, the State Planning Office, the US Army Corps of Engineers (which requires review by the EPA's National Marine Fisheries Service and US Fish and Wildlife).

U.S. fish farm fined \$80,000

BY FRED HASTINGS

Maine Coast Nordic, a subsidiary of Nordic Enterprises, Inc., an aquaculture corporation based in Connecticut, has agreed to pay \$80,000 in civil penalties for placing fishpens in Cutler Harbor and Jonesport without the required permit authorization of the U.S. Army Corps of Engineers. The action, approved under a consent decree issued last week (February 27) in Bangor by U.S. District Judge Gene Carter was the first such fine sought by the Army Corps.

According to Jay Clements, a spokesman for the Army Corps, while the Army Corps was late in participating in the process, many fish farmers in Maine have placed pens in the water without first receiving Army Corps approval and also are in technical violation of the law. Maine Coast Nordic was the first company to add additional pens after first having been warned by his agency that it needed permits. He indicated that Maine Coast Nordic was notified in January, 1989 that it needed permits from the Army Corps in addition to those required by the state, but that the

company nonetheless put two pens in Hatch's Harbor, Jonesport, and five additional pens in Cutler Harbor.

The aquaculture industry is subject to multiple regulatory jurisdictions. While the state's Department of Marine Resources has authority to grant lease sites of shoreline waters, the federal Army Corps has jurisdiction over any objects, such as piers, breakwaters, or fishpens, that are placed into those leased waters.

The state's DMR moved early and aggressively in asserting its role in the emerging industry, such as piers, breakwaters, or fishpens, that are placed into those leased waters. The state's DMR moved early and aggressively in asserting its jurisdiction over any objects, such as piers, breakwaters, or fishpens, that are placed into those leased waters.

The state's DMR moved early and aggressively in asserting its jurisdiction over any objects, such as piers, breakwaters, or fishpens, that are placed into those leased waters.

cations still in the water until it had completed its review and approval process. While the Corps has begun to catch up with its processing of requests and several local fishfarmers have received their permits, there are currently twelve additional permits pending.

Industry rallies in opposition

New bill challenges ME aquaculture laws

AUGUSTA, ME. When the adequacy of Maine's aquaculture laws were challenged in the Legislature's second session, salmon farmers and fishgrowers throughout the state united to support their industry and defend the rigid environmental monitoring process to which they are already subject.

The aquaculture debate was initiated by LD 2352, An Act to Ensure and Maintain Water Quality, sponsored by Rep. Patricia Stevens of Bangor. It is a bill proposed to revamp the laws that currently govern fish aquaculture.

The Legislature's Committee on Marine Resources held a public hearing on the bill March 6 which lasted 5-1/2 hours and was attended by close to 100 people. Though six people testified in favor of the bill, the overwhelming majority of the audience was in opposition to it.

The hearing could have been a scene

from 1987, when countless hours in the

Legislature were spent completely revising

the state's aquaculture leasing statutes.

Three years later, much of the testimony

and arguments were the same.

Industry members sought to justify the economic importance of aquaculture and defend it as a legitimate commercial fishery in the state.

According to Stevens, however, the study that would review the adequacy of the state's aquaculture laws, describe the economic impact of the industry, and review the state's policies on the issuance of an aquaculture lease and during an ongoing operation. For these reasons, she introduced the new bill.

Industry members were astonished by the range of components covered by the bill: everything from minimum current velocities under pen sites to restrictions on the type of feed that could be used in a finfish farming operation.

Aquaculture said the proposed monitoring and tease slitting requirements, while the Army Corps said the bill: everything from minimum current velocities under pen sites to restrictions on the type of feed that could be used in a finfish farming operation.

Industry members said the bill contains species that were already hashed out three years ago. The existing law, with its rigid environmental monitoring system, implemented by the Department of Marine Resources (DMR), is working well, they said.

Following the public hearing, the marine resources committee held two work sessions on the bill.

At the March 13 session, the committee voted to request funding for a legislative

FISH FARMING, MARCH 20, 1990

Commercial Fisheries News 4/90

140,000 smolt, or baby salmon, by March 1991 if federal permits sought by the company aren't authorized.

EDITOR'S NOTE: This article has been reprinted, with permission from the 35-member Downeast Coastal Press, Cutler, ME.

Industry speaks

No one directly involved in an aquaculture operation supported the bill. Several growers, including Burton Blanch, who represented the 35-member Cobscook Bay Finfish Growers Association, testified that compliance with the additional cage site monitoring requirements outlined in the bill would cost between \$50,000-\$80,000 annually.

At its Feb. 23 meeting, the DMR Advisory Council voted unanimously to oppose this bill.

At the legislative hearing on March 6, council member Jeff Kacin stated the committee members, who had been heaped with reports, documents, and video tapes pertaining to the issue at hand, said they felt bombarded with the volume of information they had received.

Rep. Richard Rulkin of Brewer said, "I think a study is without question the most cost-effective way of assimilating this tremendous amount of information."

Industry members questioned the need for the study. This year, the DMR spent close to \$7,000 in federal funds to conduct a similar investigation which will be completed July 31. (See related story, this page.)

Proponents

Stevens introduced the bill at the 1987 bill was to ensure that small

fishterms stayed in the business."

Cathy Crocy, chief of biologist for Maine Pride Salmon Inc., a consortium of several Downeast fish farms, told committee members that Maine Pride farms already follow their own list of strict husbandry practices, aside from law requirements.

Robert J. Peacock II, vice president of the R. J. Peacock Canning Co. in Lubec, also spoke against the bill.

Peacock's plant, which has been canning sardines since 1924, began processing salmon last fall. Peacock said the additional product has allowed his company to keep people employed almost on a full time basis.

David Turner, who testified at the request of the Eastport City Council, spoke about the positive economic impact salmon farming has had on his community.

Janice M. Plante

"What is prudent is that we adopt a course for continuation of growth of the industry and development of jobs while conducting the monitoring."

He said, "This bill as written would hurt small businesses. The original intent of the

bill

was to ensure that small fishterms stayed in the business."

At a public hearing held last

spring, McCarthy was one of two summer residents who opposed a finfish aquaculture proposal off Swans Island.

In her testimony before the marine resources committee in March, McCarthy said the current law "has too many loopholes. It cannot do the job it was intended to do."

She said, "The law we have now just does not work in balancing the environmental considerations against the industry demands."

According to Stevens in her testimony, the new bill "improves the system."

The message from the scientific

community was mixed. Two scientists testified in support of the bill; others were opposed.

A tale of two islands

One Maine Island community decided to try salmon farming to supplement its traditional income from fishing; the other said, "No way."

National Fisherman
4/90

By Nancy Griffin
Field Editor

The craggy, convoluted coast of Maine is studded with many islands where shrinking communities of rugged individuals stubbornly cling to a year-round way of life that grows increasingly more difficult to maintain.

Two such communities are Swans Island and Vinalhaven, somewhat different in size but with many common features. Most of the year-round families on both islands have lived there for generations. Most of those families now depend solely on lobstering for their livelihood, which means they saw their incomes drop during the past year along with the price of lobster.

There's another common thing: each community was approached during the past two years by companies from off-island wishing to establish salmon farms. Here the differences begin. Vinalhaven residents resoundingly and unequivocally rejected the aquaculture idea, while Swans Island people wrestled with, studied, argued about and finally accepted the notion.

"We have to use the sea," says Bruce Colbeth of the Swans Island Fishermen's Co-op. "Not everyone wants to be a lobster-fisherman, and we don't have the option of commuting 20 miles to work, or bringing raw materials to the island, putting them together and shipping them out. We either work on the island or move out."

Swans Island is 7,500 acres with 350 year-round residents. Summer residents swell the population to 800. Vinalhaven, reached by ferry from Rockland, has 1,200 year-round residents and a summer population that reaches nearly 6,000.

Town officials in Vinalhaven were approached in September 1987 by a Norwegian representing a company called Atlantic Salmon (Maine) Inc. Frank Gjerset sought a 10-year lease for 25 acres of bottom off Vinalhaven, a specific site adjacent to the White Islands area.

"The first most townspeople heard of the proposal was a sheet of paper posted around town announcing the public hearing," says Victoria Dycr, who was then Vinalhaven's town manager. "It would have been nice if a representative of the firm came in first and explained to people what they wanted to do."

PETER RALSTON, LIAISON, BOSTON PHOTOS

"Observers say this failure to approach people and win them over to the idea probably did more harm to Atlantic Salmon's cause than anything else. The proposed lease area was prime lobster and scallop bottom, heavily used by the island's fishermen. Not only did lobstermen fear loss of access to the 25-acre spot, but they worried about contamination to nearby bottom from salmon droppings, antibiotics used in the pens, chemicals used in the fish food and diseases such as those that plagued Norwegian fjord-based pens and Swedish pens more than a year ago."

Islanders also expressed concern that the Norwegian company would bring workers from off-island, and, while local fishermen would lose some of their traditional fishing territory, little of the revenue generated by Atlantic Salmon would stay on Vinalhaven.

Five hundred Vinalhaven residents flocked to the public hearing in February 1988 ready to show their opposition to the proposal. They never had the chance. The meeting ended 2 a.m. with the company still presenting its case and townspeople asking questions.

Officials decided to continue the public hearing in April, when townspeople who had signed up as intervenors could present their side. In the interim, the town held a non-binding referendum on the proposal, and voters rejected the idea, 5 to 1. Shortly before the scheduled reconvening, Atlantic Salmon withdrew its proposal.

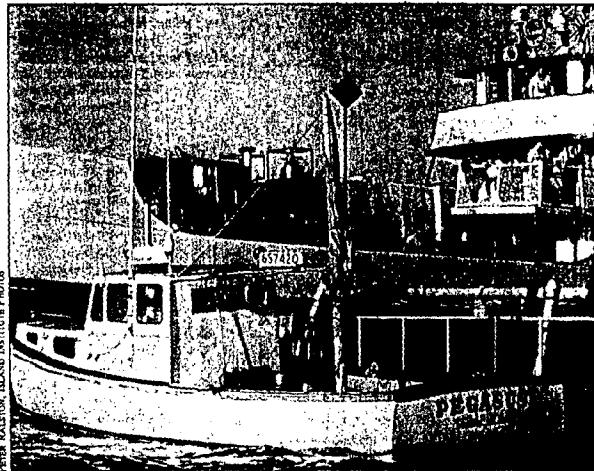
In a letter to the Commissioner of Marine Resources, the company said its reasons for withdrawing included the emotionalism and misinformation raised by some opponents.

"There was a lot of emotionalism, but also people who attended the meeting had legitimate concerns that were not addressed," says Emily Lane, the current Vinalhaven town manager, then a selectwoman.

"I did a lot of research, and I still think it's a terrible idea," says Maudeann Warren of Vinalhaven. Her husband, Roger, is a sixth-generation lobsterman. "They talk about jobs, but the average is only about three to five jobs per farm. I think it's tragic to see big corporations taking the life blood of small communities," she says.

A Different Approach
Swans Island residents watched this process with fascination. Just as the Vinalhaven saga was ending, they were approached about a salmon farming operation. The approach, however, was different.

"One man from Ellsworth came and talked first to me," says Colbeth, himself a former lobsterman who plans to return to his traps in a few years. "We were inter-



The first batch of salmon smolts were delivered to the Swans Island, Maine, farm in the fall of 1989. The fish were transferred directly from the tractor trailer on board the ferry to the net pens.

ested. But we'd just read in the papers all the bad things about aquaculture, so we did a lot of research. We kept an open mind."

Fishermen were invited to discuss the proposal presented by Mariculture Products Ltd. and decide if they wanted to investigate it further. "After all," says Colbeth, "They were the ones with the most to lose."

After three informational discussion meetings, the lobstermen told Colbeth to pursue the project. Together, they chose 465-acre Toothacher Cove, parts of which were heavily lobstered while other parts were not. The ones who fished in those areas were willing to give it up for the good of Swans Island.

Then in March, things went haywire, Colbeth reports. "We found handfuls of papers this thick under windshield and at the co-op — all over the island — full of bad stuff about salmon farming. After I read three or four pages, I felt sick. The president of the co-op read it and suddenly turned against the project," he says.

Colbeth, however, felt the informational packets represented propaganda. "I said, 'I've got to find out the truth.'" He drove to Canada, visited several fish farms, interviewed lobstermen in New Brunswick communities with a video camera, and viewed videos that divers took periodically of the bottom under the pens at 50 different sites.

"The first two questions I asked everyone were: What about salmon pollution? And, what about antibiotics?" says Colbeth. "I don't even know how they can call it pollution. What are they going to do, stop all the fish from going to the bathroom in the water? Fish have to excrete. Pollution is not the right word; it's just a scare tactic word."

"One farm I looked at was beside fish weirs, and it also had lobster and clam flats right next to it," says Colbeth. "Everyone I talked to was happy. A lobsterman there who was the biggest opponent of salmon farming now has 25 pens of his own. He said he was wrong."

The sea farming operations Colbeth toured were small, tidal action was strong, and no buildup showed under the pens. In addition, Colbeth says the aquaculture ventures were mainly owned by small operators who were often lobstermen.

One of the damning things found in packets distributed on the island was a newspaper picture of a clammer holding a fistful of slime described in the caption as salmon gurry from a pen site. When Colbeth went directly to the office of the *St. Croix Courier* and asked about the picture, a staffer provided him with a copy of the

explaining that the slime was a form of algae, not salmon gunk.

To quell concerns about antibiotics, Colbeth investigated what was used in Canadian pens. It turned out the two antibiotics used are both U.S. Department of Agriculture approved and are commonly used in lobster pounds to prevent red tail. "No one seems to have a problem with using it in lobster pounds," Colbeth says.

Colbeth also checked out stories about disease-ridden salmon farms in Norway. He found out that the Norwegians moved the pens from the still waters of the fjords to the open ocean to solve the problem.

Opposition

Lee McCarthy summers on Swans Island in a camp situated down the cove from the salmon pens. She opposed the farming operation and still does. She says her opposition arises strictly from environmental concerns.

"They sidestepped every possible environmental protection that was part of the law. Those pens violate Department of Environmental Protection minimums for the depth of water under the pens," says McCarthy.

She says intense political pressure brought to bear by Mariculture Products and the state Department of Marine Resources won a three-year probationary permit from the Army Corps of Engineers for the farming venture despite demands from the Environmental Protection Agency, National Marine Fisheries Service, and Fisheries and Wildlife Service that the project be cut back by 90%.

"I quickly found out the position of state agencies is: This will introduce jobs," says McCarthy. "I understand the state is interested in the economic viability of coastal

Island visited salmon farms in New Brunswick and talked to local lobstermen and fishermen about their reactions to the operations before he decided in favor of a farm for his community. James Acheson (seating), from the University of Maine, supports the idea of salmon farms in the state.

communities, but we think they've jumped head first into a difficult issue with side effects people are just beginning to understand.

"Those fish are dropping 1,500-2,000 lbs. of waste products into the cove every day. Lobstering and scalloping are threatened," says McCarthy, who's read of the dangers of disease and pollution around fish farms in reports from Japan, Scotland and Norway.

"If scallops are in any danger from salmon farming, it won't be in Toothacher Cove," says Swans Island fisherman Kenneth Lemire Jr. He's scalloped during the winter for several years. In a 15-minute tow where the pens are now, he says, you might get five scallops if you are lucky. "More likely you'd get three, or maybe one. As far as scallops go, that's waste bottom. It's just mud," he says.

"The species most likely to be affected by any pollution around salmon pens are the salmon themselves," says James Acheson, University of Maine professor of anthropology and marine studies and author of *Lobster Gangs of Maine*. Acheson toured salmon farms in Norway and Sweden last year and has read extensively on farming operations in other countries as well.

"To my knowledge, no damage is likely to occur to shellfish," he says. "If there was any pollution, shellfish would be more likely to thrive than the salmon. I see a



more serious conflict between salmon farming and industry. Industry wants the right to add some pollution to the water, and fish farms can't stand any."

In Sweden, Acheson says he saw lots of empty fish pens. Fish had been wiped out in 1984 by disease due to overstocking and fish pens placed too close together. "They just didn't have the tidal flushing to get rid of it like we [in Maine] do," he says.

Comparing other countries or even other coasts to Maine is like comparing apples and oranges, says Acheson. "We probably have the ideal environment for fish farming, and using data from other places

involves an interesting use of mis-scientific information."

Acheson believes the objections most people have to aquaculture revolve around a certain image of the state of Maine. Lobster boats are okay, a few other boats passing by are okay, but looking out at fish pens is not. It ruins the view and makes homeowners worry about property values.

Other Problems

If environmental issues were settled suddenly to everyone's satisfaction, salmon farms in coastal Maine still face economic risks, especially in winter. Superchill, which sometimes lowers coastal water temperatures

dramatically, can kill fish. Predators or storms can rip nets and release the salmon, or allow other predators in to destroy them.

A big difference between the experiences of Swans Island and Vinalhaven is that when Mariculture approached Swans Island, it promised to help set up any residents who wanted to get into salmon farming.

"We're using them for jobs, for expertise, for benefits such as insurance," says Colbeth. "We lose a lot of people from the island because they don't want to go lobstering. It's a hard job, and lobstering means you have to be self-employed. We can't have a year-round community without people."

"This is one of the things that can save our coastline. I think the summer people were the start of all this wild emotional speculation. People who come up for two or three weeks, maybe a month, and they don't want to look at salmon pens."

"It's very unfair to the natives who live here," says Colbeth. "I don't mind true facts; I want to hear it. But saying things that are not true is unfair to the people of the coast of Maine. They've made up some nice ones, I'll tell you."

"Fishermen hear it, and it is scary what they're saying. So the fishermen get behind them, like on Vinalhaven. We heard the same stories, but we investigated them and found out they're just not true."

New Brunswick provincial officials and biologists have been compiling a database of information during the past 10 years about the many salmon pens operating in their province.

"Initially, we took the strong position that we wanted to go relatively slow on the numbers of fish in cages; that's one reason the videos show it's clean under the pens."

Tidal action is another," says Russell Henry, biologist with New Brunswick's Department of Fisheries and Aquaculture.

"Our whole objective is to carry out environmental studies to establish, from a solid data base, what are good levels. We did it more from a disease perspective," Russell explains. "It all goes together. If there are less fish, there is less stress and less potential for disease. The environmental impact will also be less."

"We can foresee pressure for increasing the numbers over the next three or four

years. We want to be able to say, 'Yes, you can,' or 'No, you can't,' based on site-specific data," he says.

Underway

This winter, Swans Island has seven salmon pens on 18 acres, with plans to open another 11 pens in the spring. Unlike other operations — even New Brunswick's, which raft pens together — Swans Island pens each sit alone on an entire acre. No antibiotics are being used, and some of the 204,000 fish are up to 3 lbs.

When the Norwegians started farming, their pens contained between 8,000 and 9,000 fish per cubic foot of water in 3' tides. A Canadian experimental fish farm operator recommends maintaining only 1 lb. of fish per cubic foot of water to insure against disease.

"We actually have only two-thirds of a pound of fish per cubic foot of water and 10' tides," says Colbeth of the Swans Island operation. "We're not taking any chances. There is not a trace of anything under the pens. Divers go down weekly and check it out."

Four people are employed full time now, with several seasonal part-time employees. The plan is that when the operation expands to 18 pens, the farm will have 10 full-time employees.

"I don't blame Vinalhaven for what they did. If fishermen didn't favor it, I wouldn't," Colbeth says. "I understand the company that approached them was going to bring their own people in and not leave much behind. If that was the case, I don't blame them a bit. All I can say, from what I've experienced and seen and from people I've talked to, there's no problem with the bottom under pen sites."

"At the time [of the Atlantic Salmon proposal], I was caught up in the island's [Vinalhaven] position," says former town manager Dyer. "In the meantime, I've followed with interest what's happened on Swans Island, and I've eaten farmed salmon."

"Now I think it's going to be valuable to Maine. I hope the errors that have been made in other places can be avoided. Maybe people on the coast can have another resource so they don't have to depend only on lobsters for their income," Dyer says. □

'Red tides' increasing in number, diversity

Toxic algae: Threat to shellfish aquaculture

The following is part one of an article written by Dr. Sandra E. Shumway of the ME Department of Marine Resources and the Bigelow Laboratory for Ocean Sciences. This portion explores the increasing number and diversity of toxic algal blooms in the world. Part two, which will be presented next month, examines the development of monitoring programs and the necessity for accurate press coverage to combat the potential health and economic threat of such blooms.

Red tides occur when certain species of algae respond to favorable changes in their environment and "bloom" in numbers that may attain several million cells per liter of seawater. Actually, those blooms may or may not be visible and they may or may not be red; some of the most devastating blooms of late were brown.

They may be distinctly toxic or merely noxious — that is, they may produce specific toxins or simply cause anoxia through the decay process or by clogging the gills of filter-feeding animals. Finally, these blooms can appear and render shellfish toxic virtually overnight.

Toxic algae create serious problems for shellfish aquaculture. They are a threat to human health and they can cause mass mortalities of shellfish. Worse, the problems created by blooms of toxic algae are no longer limited to the dinoflagellates.

The toxins produced by various algae are potent and tend to accumulate in the mollusks that feed on them. These in turn become toxic to humans who eat them. There are a variety of toxins and therefore a variety of shellfish poisons, including paralytic shellfish poisoning (PSP), diarrhetic shellfish poisoning (DSP), neurotoxic shellfish poisoning (NSP), and amnesic shellfish poisoning (ASP).

The association of shellfish toxicity with exceptional blooms of plankton has been known for centuries. It is particularly well-defined in the case of PSP, a recurrent phenomenon in some areas, and a serious threat to human health where control measures are lacking. Slow progress is being made toward understanding the nature of blooms that cause toxic shellfish, but they are still a serious problem for aquaculture.

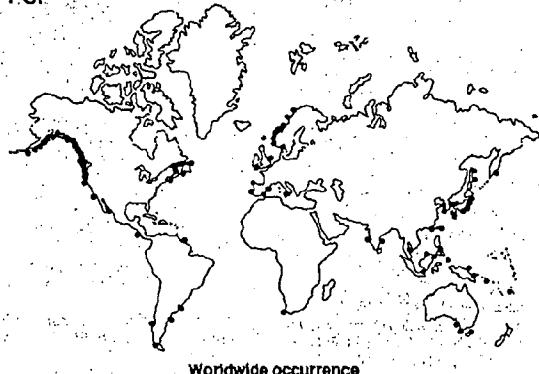
The problems created by toxic algae are more acute in some areas than others. The Alaska butter clam industry was essentially destroyed by toxic algae over 40 years ago. Alaska has almost 53,000 km of coastline and more than 100 species of clams, and in 1917 the industry produced 5 million pounds of shellfish products.

Today there is virtually no commercial clam fishery and all Alaskan beaches are considered perpetually at risk. In Sweden and Norway mussel culture increased at a steady rate until 1984-1985, when blooms of the dinoflagellate *Dinophysis* spp. caused a major setback. The highly successful mussel production industry in Spain (approximately 10,000 persons employed) has also suffered severe setbacks due to both DSP and PSP.

Developing countries often lack the

DMR NEWS
a monthly newsletter of the
MAINE DEPARTMENT OF MARINE RESOURCES

PSP



Worldwide occurrence of paralytic shellfish poisoning (PSP)

expertise and managerial infrastructure to deal with sudden PSP outbreaks and the toll on human health as well as the industry can be enormous. The first PSP event in the Philippines (in 1983) left 21 people dead and nearly 300 ill. As a result, the harvest and sale of shellfish was banned for eight months.

Growing problem

It appears the incidence and diversity of blooms has been increasing in recent years. Although some feel this is due to an increased awareness and a larger number of observers, the evidence indicates a real increase in the frequency, intensity, duration, and geographic spread of outbreaks around the globe.

There are many possible reasons for this. Blooms can be enhanced by nutrient enrichment of the marine environment, decreased grazing pressure on the alga in question, large-scale hydro-meteorological changes, upwelling of nutrient-rich bottom water, and heavy freshwater runoff. It has also been firmly established that there is a direct correlation between the number of red tides and the extent of coastal pollution (particularly from sewage and some forms of industrial wastes).

The potential hazards to the shellfish industry are staggering and shellfish monitoring programs designed to protect the general public have become a necessity in previously unaffected regions, especially Southeast Asia and other Pacific areas.

Finally, there is increasing evidence that toxic species are being transported to new areas via the ballast of ships or infected shellfish. Toxic shellfish are often deliberately transported to clean waters so they can self-depurate, but when this is done there is a danger that the "clean" area will become infected with cysts or motile cells that may seed a future bloom. In an effort to control the spread of blooms, The Netherlands has prohibited the transfer of mussels from potential "PSP risk" areas to clean areas.

Dinoflagellates are the most common source of the toxic blooms. PSP outbreaks are usually associated with dinoflagellates of the genera *Protogonyaulax*, *Gymnodinium*, and *Pyrodinium*; DSP outbreaks usually involve *Dinophysis*; and NSP is commonly associated with *Pychodiscus*.

Paralytic shellfish poisoning

The toxic marine dinoflagellate, *Alexandrium tamarense*, is the organism responsible for PSP in many parts of the world and, because of the serious damage it can cause to the shellfish industry, it is probably the best understood of any of the toxic species. Other species of *Gonyaulax* are also known to cause toxicity in shellfish, especially in the Pacific Northwest and Europe.

Pyrodinium bahamense var. *compressa* produces paralytic toxins and has been associated with severe outbreaks of shellfish poisoning in Southeast Asia. It was first observed in Papua, New Guinea in 1969 and one of the worst episodes was the red tide that killed 21 people in the Philippines in 1983.

While this species is most common in the East Indies and Philippines, it also occurs in Thailand and India. A recent outbreak in Guatemala, where there was no prior history of PSP, resulted in 26 deaths and 185 serious illnesses. Villagers consumed clams at a local feast and death ensued soon after. The toxin was so virulent that mice died in the hands of lab technicians as they injected them with the diluted solution of the toxin.

Gymnodinium catenatum has been associated with outbreaks of PSP in Japan, the northwest coast of North America, southern Ireland, Spain, Mexico, Argentina, and southern Tasmania. This species was responsible for the closure of large mussel farms in northwest Spain and Tasmania in 1985-1986 and the deaths of three children along the west coast of Mexico in 1979. It has also caused shellfish mortalities in larval, juvenile, and adult oysters and mussels.

The dinoflagellate *Ptychodiscus* (=*Gymnodinium*) *brevis* causes neurotoxic shellfish poisoning with symptoms similar to, but milder than, PSP. No deaths have been associated with this species. Outbreaks of *Ptychodiscus* are annual events, primarily along the coasts of Florida and Texas. Florida routinely monitors for the dinoflagellate.

Diarrhetic shellfish poisoning
Diarrhetic shellfish poisoning is easily confused with gastroenteritis and general stomach upsets that can result from eating polluted shellfish. DSP has only been recognized as a disease for the past 10

years and no deaths have been recorded.

The most seriously affected areas are Europe and Japan, although there is increasing evidence that the problem may be more widespread than previously known. The toxins associated with DSP include okadaic acid derivatives which are fat-soluble.

The dinoflagellate *Dinophysis acuminata* is considered the main source of DSP in European episodes, although there is no direct proof thus far. Two other species, *D. acuta* and *D. norvegica*, are probably responsible for DSP in Norway and *D. fortii* is a causative organism in Japanese waters along with *Prorocentrum*.

P. lima, a benthic dinoflagellate, has been implicated in Spain and harvesting is monitored for a few weeks every summer and fall in anticipation of its presence. A bloom is not necessary for toxicity; concentrations as low as 100 cells per liter can produce high levels of DSP in mussels.

Just as some PSP toxins can persist in shellfish long after the blooms have disappeared, the DSP toxins from *Dinophysis acuta* and *D. norvegica* have remained in blue mussels for up to five months in Swedish waters. In other areas toxins have been known to persist for many months, resulting in prolonged closures and severe economic loss to the shellfish industries.

While the majority of DSP outbreaks have occurred in Japan and Europe, it seems unlikely that the occurrences are limited to those areas. Because the symptoms of DSP so closely mimic common gastroenteritis, there is a good chance cases of DSP have gone unreported.

Twelve species of *Dinophysis* exist in Long Island waters and roughly the same number are found in the phytoplankton communities of British Columbia and the northeast coast of the United States.

Although no conclusive evidence exists for the presence of DSP in US and Canadian waters, it nevertheless must be considered a potential problem.

Amnesic shellfish poisoning

A sudden and unexpected outbreak of shellfish toxicity occurred in 1987 among cultured blue mussels in the Cardigan River estuary of Prince Edward Island, Canada. Mussels harvested from this area poisoned 129 people and killed two.

The toxic substance was identified as domoic acid, a naturally occurring compound not previously known to be a shellfish poison. The Prince Edward Island incident was the first recorded case of human poisoning from this neurotoxin and it established a new illness — amnesic shellfish poisoning (ASP).

The symptoms include abdominal cramps, neurologic responses involving memory loss and disorientation, and — in some instances — death. The toxin apparently was produced by a diatom, *Nitzschia pungens*, a common member of the phytoplankton community not previously known to produce toxins. Thus far, only the form *multiseries* from eastern Prince Edward Island has been shown to produce the toxin.

The Canadian outbreak prompted officials in Maine to monitor several areas for this toxin. Digestive glands from sea scallops collected near Eastport had domoic acid levels of 568-595 micrograms per gram of tissue and low levels of this toxin were found in several other areas. Because domoic acid is a highly potent neurotoxin, its presence in the phytoplankton has caused great concern within the shellfish industry.

The material presented here was reprinted from an article that appeared in World Aquaculture magazine. For a complete copy of Shumway's report, write to the DMR Laboratory, W. Boothbay Harbor, ME 04575.

Inshore
Fishing

Recommends DMR as lead agency

ME aquaculture plan sets development strategy

AUGUSTA, ME - With an estimated production value of \$11 million in 1989, aquaculture in this state has earned the standing of a legitimate industry.

But it is a new industry for Maine, facing problems that could stand in the way of its future development.

Aware of that, the Maine State Planning Office (SPO) and the Maine Department of Marine Resources (DMR) commissioned the writing of a state aquaculture plan — something that would not only identify problems but also come up with a strategy for allowing the industry to evolve as an accepted commercial fishery.

The plan is titled "An Aquaculture Development Strategy for the State of Maine," and copies should be available by the middle of May, according to David Keeley, director of the Maine Coastal Program at the SPO. Keeley and Anne Johnson Hayden, also of the SPO, served as staff to the three consultants and 12-member aquaculture development committee that wrote the plan.

"It's a calculated plan, not a 'let's bust down the doors' plan. Without question, the industry has to be front and center, prepared to take on a number of tasks," Keeley said.

Keeley's message was echoed by others. Much of the challenge ahead now lies in the hands of the aquaculture industry.

Bill Mook, who served on the development committee, agreed. "It is the (ME) Aquaculture Association's responsibility at this point to be the overseer of this plan."

The public had its first look at the plan at the Maine Fishermen's Forum in March. At the forum, Carter Newell, one of the consultants for the project, urged everyone

to read the plan.

"We want this to be a used copy," he said. "Get the pages dirty."

Funding for the project was provided by the Economic Development Administration of the US Department of Commerce along with the Maine Coastal Program and the Maine Aquaculture Innovation Center.

Aquaculture strategy

The "lack of public understanding that the aquaculture industry, as well as the traditional fishery, depends on good environmental quality in Maine's coastal waters" is one of six impediments to aquaculture development listed by the plan.

The others are: inaccessibility of information essential to aquaculture development; lack of a lead state agency to coordinate effective action in supporting the industry; insufficient state services to the industry such as training and inspection programs; lack of coordinated research and development among federal, state, and university organizations; and lack of adequate organized market institutions for sale of cultured seafood.

Having identified the problems, the plan responds with "seven elements of an aquaculture strategy for Maine."

They are: develop and disseminate information about aquaculture; cultivate a positive investment climate for small entrepreneurs; designate a lead state agency to support development of aquaculture; ensure consistency and predictability in the regulatory process; pursue a coordinated development strategy encompassing aquaculture and traditional fisheries; protect, preserve, and enhance coastal water quality; and

develop a comprehensive plan for use of coastal waters.

DMR lead agency

Those who put together the strategy came to a conclusion: the permitting process for aquaculture operations possesses a major constraint to the industry. Without question, it must be streamlined.

The development committee recommended that the DMR become the lead agency for aquaculture, and that regulations, permitting, monitoring, and other required functions all be funnelled through the DMR.

"We look forward to taking on that role," said Penn Estabrook, DMR's deputy commissioner. "We do it anyway."

Estabrook said, "Our concern is for marine resources in a broad context. Aquaculture is part of it. We have no problem calling a spade a spade when we have to. We have a public health role, and we will not hesitate to carry it out."

Designating the DMR as the lead agency will require legislative changes that cannot take place until the state Legislature convenes next winter. In the meantime, the SPO, with the help of industry members, listed priorities to be accomplished over the next six months.

The development a salmon demonstration farm tops the agenda.

According to Keeley, other immediate priorities include: establishing better deterrents to poaching on aquaculture leases; working to improve the state and federal regulatory requirements for aquaculture; pursuing a cooperative marketing structure for aquaculture products; improving the amount of technical assistance provided to the

industry; strengthening the educational and training programs for aquaculture; and educating the financial community about aquaculture.

The Maine Aquaculture Innovation Center has committed funds to a salmon demo farm project, which has the support of many industry members. A demonstration farm is seen as having a twofold purpose: to educate the public and to test new ideas that might be helpful in aquaculture production.

The demo farm will be located in Eastport. Tom Duym of the Washington County Technical College, which was formerly known as the area's vocational technical institute, is working to coordinate the project.

At the Maine Fishermen's Forum, Duym said, "We look at ourselves pretty much as a facilitator for this to happen. We have the location, cooperation, and mechanical resources to put a demonstration farm together."

John Ferland of Coastal Strategies Inc., another of the plan's consultants, summarized the movement behind the plan by saying, "I think we're at a historic time in the evolution of fisheries development. Here we are moving a significant new industry forward."

Ferland's words of advice were, "Keep that Maine Aquaculture Innovation Center active. Work to remove some of the mystery around the industry. Aquaculture is a way of diversifying income for people already in fisheries. (The public and the investment community) have got to be shown that it's a real industry."

For copies of the aquaculture plan, contact the state planning office at (207) 289-3261.

Janice M. Plante

interpretation of monitoring data; and research, ongoing and needed. (A draft copy of the 40-page workshop report is available.)

Finally, An Aquaculture Development Strategy for the State of Maine, Executive Summary, March 1990, was published, a copy of which is included with this Progress Report.

C. Strengthening Port and Harbor Management

Due to a State budgetary crisis, marine infrastructure needs were not proposed to this legislative session for a state-wide bond issue as originally anticipated. The priority ranking system and priority list of 70 projects identified under this task will be refined and a new proposal probably submitted to the next session.

Note clippings below regarding Eastport and the Searsport Cargo Port, both of which received Coastal Program assistance under previous CZMA awards.

The remaining work item under this task, publication of the dredge management working group's dredge management strategy report, will be completed this spring.

Task 5 -- Program Oversight & Implementation

A. Public Education

(Completion reported previously. See Task 5A under CZ100.)

B. OCS Oversight

(Completion reported previously. See Task 5B under CZ100.)

C. Other

Coastal staff worked on completing and publishing the 1989 public access inventory. Maps and "A Report on Coastal Public Access" are expected to be available for distribution in June.

The New Eastport

Ellsworth American 3/2/90

James Doyle, the director of Eastport's Port Authority, told Downeast officials at a meeting at Machias last week a few things about Eastport that will surprise many Maine residents who for years have thought that Eastport was a dying town.

He told the meeting that Eastport was Maine's number one general cargo port last year, that its aquaculture is expected to become a \$25 million industry in five years,

This is a different image of Eastport than the one Maine people have had. It is encouraging evidence that energetic leadership can turn a community around and transform disaster into growth and development.

Prospect of new cargo port draws mixed reactions

By Walter Griffin
Midcoast Bureau
BDN
3/1-2/90

SEARSPORT — Like many segments of the Maine economy, commercial shipping in Penobscot Bay was pretty much a mixed bag last year.

While one shipping/cargo handling firm, reported a banner year, another managed to show a slight gain, while a third reported a drop off when compared with the year before. All three firms work the west bay.

William Fraser, whose International Terminal Operators leases the Bangor & Atwoosook Railroad pier at Searsport, reported shipping a record amount of tonnage during the past year. Fraser said ITO handled 51,000 tons of cargo during 1989, a 31,000-ton increase over 1988's figure of 14,000 tons. Fraser said the bulk of the cargo was in shipments of Great Northern Paper Co. products to the Middle East.

"We've had a real good year," Fraser said. "We probably loaded and discharged the maximum amount of cargo that we can handle."

Fraser said the pier's size restricted the amount of cargo ITO could handle, and predicted that unless the Sears Island Cargo Terminal goes on line soon, dry cargo shipments at Searsport probably have reached their maximum levels.

"A lot of the big moves of cargo that they're shipping these days we just can't handle," said Fraser. "If we could have built a bigger storage area at this pier, we would have done it a long time ago. There just is no room here."

Unlike modern cargo ports,

which feature pier-side loading

and unloading, the B&A wharf is

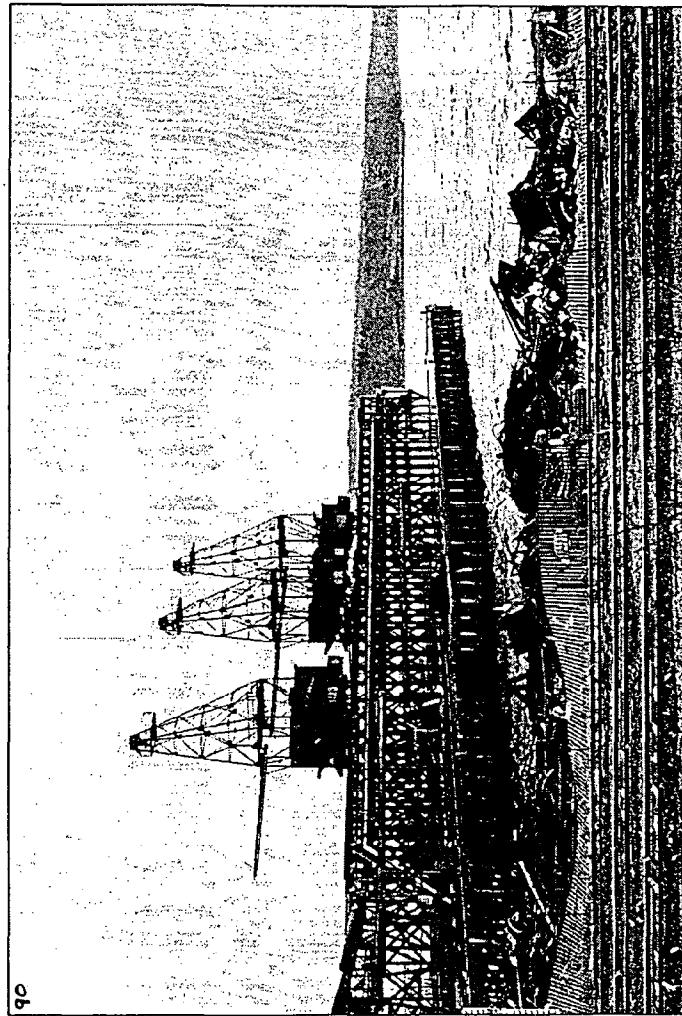
a long finger pier that juts into

Searsport Harbor. Its narrow

width restricts the operator's

ability to load and move cargo.

"We just don't have the capability to handle 5,000-ton loads," Hollowell said his firm moved



NEWS Photo by Walter Griffin

Gibbs said the drop off last year "was just due to the nature of the business. You may have something today that's gone tomorrow. Then you might get it back the next day."

Unlike Fraser, Gibbs said a working Sears Island probably would put his company out of business. He complained that it would be very difficult for a privately owned company such as Maine Terminals to compete against the clout of a publicly subsidized port such as Sears Island.

"State and federal money will put us right out of business," Gibbs said. "Competition is great as long as it's fair. But if they put a freezer out on Sears Island, they'd put us right out of business."

Although Fraser criticized the government's inability to move forward on Sears Island, the delay provided ITO's stevedores a few days extra work.

Fraser said the sheet steel

needed to build the pier was shipped to the B&A dock by rail earlier last year. The steel was offloaded onto barges and was transported to the island.

However, when legal challenges from the Sierra Club scuttled construction once again, the barges were ordered back to the mainland where the stevedores off-loaded it once again.

The steel is being kept in stor-

age at the Searsport Dump.

Searsport Town Manager Don

ald Grant, who has experienced

Sears Island's roller-coaster ride

of court challenges and delays

for the past seven years, said re-

cently that he still believed the

port would be built.

Grant called many of the Sier-

ra Club's challenges "frivolous"

and "detrimental" to Maine's

economy.

"I guess we'll just have to let it

run its course through the

courts," Grant said. "I think ev-

erybody is waiting for this thing

to be settled once and for all."

DOCKS, said business was off 25 percent last year.

Hollowell said the demand for oil and coal "goes up and down seasonally, but it's been a pretty steady business this year. I think we've seen a modest volume increase."

The picture at the nearby Win-

terport docks was a bit different,

however. Rick Gibbs, spokes-

man for Maine Terminals, the

operator of the Winterport

bound for Holland and Denmark.

STATUS OF GRANT TASKS
1989-90 (CZ100)

Task 1 -- Core Law Enforcement & Administration

A. DEP -- Core Law Enforcement & Administration

The DEP's Quarterly Report is reproduced as Exhibit E-1. It covers Board adoption of new Guidelines for Municipal Shoreland Zoning Ordinances (effective March 24, 1990), other shoreland zoning activities, permitting and enforcement activities in the coastal area, and problems and issues. Also, see Exhibit E-2, DEP Issue Profile on Shoreland Zoning.

B. DOC/MGS -- Geologic Review of Core Law Applications

(Completion reported in the previous Progress Report.)

Task 2 -- Local Technical & Financial Assistance

A. DECD -- Municipal Planning & Waterfront Action Grants

See the DECD's Progress Report, reproduced below. Note, however that, just after that report was written, Brooklin decided not to use its WAG grant for a boat launch ramp, so those funds therefore will be reprogrammed.

B. DECD -- Municipal Technical Assistance

See the DECD's Progress Report, reproduced below, and Exhibit E-3, "Nexus" (the DECD/OCP Newsletters).

C. DECD -- Regional Council Assistance

See the DECD's Progress Report, reproduced below, and Exhibit E-4, Quarterly Reports from the Coastal Coordinators.

Task 3 -- Acquiring Shoreline Access Sites for Public Use

No new acquisitions by the Land for Maine's Future Board were assisted during this reporting period, but see clippings below and the Board's "Gaining Ground" newsletters, Exhibit E-5.

Task 4 -- Coastal Policy Development

A. Allocating Maine's Marine Waters

Research continued on existing State programs and uses in Maine's marine waters to determine gaps and inconsistencies. Specific issues analyzed include aquaculture, oil spill prevention and response, dredge spoil disposal, marine protected areas and the public trust doctrine. An interagency marine policy management team was proposed to coordinate State marine policy issues and to assist in the development of the project.



John R. McCormick Jr.
Governor

Department
of
ECONOMIC AND COMMUNITY DEVELOPMENT

Lynn Wachtel
Commissioner

Kennebunk - Mousam River Path Plan

The Mousam River Path Committee (a subcommittee of the Conservation Commission) has held several meetings with property owners in the corridor of the proposed path. These meetings have resulted in the identification of owners who will accept public use on their property; this will be a primary factor in determining the location of the path. The consultants working with the Committee are now developing draft plan elements showing the path location and design criteria for presentation at a public meeting in May.

Georgetown - Five Islands Pier Design

The final plan has been completed and accepted by the Town Owned Property Maintenance Board. Based on this plan, the Town submitted an application for a Waterfront Action Grant to rehabilitate the Pier; however, the project was not recommended for funding this year due to budget constraints. The Town Owned Property Board is seeking to fund needed improvements through the local bonding process.

Wiscasset - Public Access Plan

The consultant for the Town has completed the mapping and inventory section of the Plan. Several public meetings have been held to obtain public views. The Greenbelt Committee is now working with the consultant to prepare the Draft Plan for public hearings in June.

Rockland - Harbor Access Plan

The consultant working with the Harbor Committee has completed the resource inventory and mapping work, and a Draft Concept Plan has been developed for review and comment. The City has directed the consultant to develop a set of techniques to encourage waterfront property owners to voluntarily provide public access on their property. It is anticipated that the Plan will be forwarded to the City Council for action in late June.

Bangor/Brewer - Comprehensive Harbor Management Plan

The consultant working for these communities has completed the inventory and analysis sections of the Plan. The Joint Harbor Committee has held two public workshops. A Draft Plan is expected in late June.

Hampden - Waterfront Development Plan

The consultant for the Town has completed the Draft Plan and a public hearing is scheduled for May 8. The Waterfront Committee will then develop the Final Plan and forward it to the Town Council for approval. Subsequently, the Town will develop zoning regulations to implement the Plan's recommendations.

May 15, 1990

[Handwritten signature]
TO: Bob Blakesley, State Planning Office

Task 2 -- Strengthening Technical Assistance to Towns
FROM: Fran Rudoff, Mary Boyd-Broemel, and Kirk Schleeman
DECD-OCP Coastal Staff
RE: Coastal Program Progress Report, 2/90 - 4/90

1989-90 GRANT TASKS

Task 2 -- Strengthening Technical Assistance to Towns

A. COASTAL PLANNING GRANT PROJECTS

14 The following discussion summarizes the status of each project:

Kittery - Comprehensive Harbor Plan

A draft Harbor Plan has been completed and forwarded to DECD for review. The Harbor Committee will now hold a set of final public meetings in preparation to finalize the Plan. It will be sent to the Town council for approval in June.

Major emphasis has been placed on strategies to improve access to the water in terms of new and upgraded parking, launching ramps, and town docks. This will be the key to utilizing new mooring areas that were previously underutilized or unused.

York - Public Pier Site Design

The consultant for the Town has conducted a survey of water dependent businesses in the area to determine the range of potential uses for the Verrill's Wharf property. A matrix of uses vs. costs of improving the site has been prepared to assist the local committee in determining the mix of uses to be conducted at the site. The pier has also been surveyed to determine its condition and improvement needs. A public meeting will be held on June 15 to present the committee's recommendations.

Belfast - Mooring Plan

Next month, the aerial photos of the harbor will be taken (it is necessary to wait until all boats are moored in the harbor for the season). Once the photos are taken, the Mooring Plan will be prepared. To further improve the use and management of the Harbor, the City has applied for 1990-91 Planning Grant funds to develop a comprehensive Harbor Management Plan; this application has been recommended for funding by DECD. The Mooring Plan will be incorporated into the Harbor Management Plan.

Stockton Springs - Public Access Site Design and Harborfront Plan

The harborfront rezoning portion of this project has been completed. The Town is now seeking a consultant to help with preparation of the Public Access Site Design component of the project.

Machiasport - Public Pier Site Design

Initially, the Town intended to use Planning Grant Funds for the design of a public pier (see February Progress Report). However, the town has decided to purchase a beach property that is used extensively by fishermen. In fact, the Town applied for 1990-91 Waterfront Action Grant Funds to acquire the beach property; this application has been recommended for funding by DECD. Thus, Planning Grant funds will no longer be needed for the Pier Design. The Town considered using these funds for survey and work related to the beach property, but has decided to pay for those activities on its own. These funds will be reprogrammed by DECD.

B. WATERFRONT ACTION GRANT PROJECTS

The following summarizes the status of each project:

Saco - The FERC review process is ongoing. When the outcome of that process is available, the final project schedule will be prepared and the contract executed. An extension to the end of this calendar year will be needed for this project.

Rockland - The final plan is complete and the architect is preparing the bid documents. These documents should be complete and advertised within the next two weeks. An extension to the end of the calendar year will be needed for this project.

Lincolnville - DECD is awaiting approval of the title opinion from OCRM. Once it is received, the contract will be signed. The Department of Transportation is working closely with the community to develop the bid documents; this phase should be completed by the beginning of June. An extension to at least the end of September will be needed for this project.

Bucksport - A design consultant was hired by the Town to work with the local Oversight Committee and DECD staff on a final planting layout. Final Plans have now been completed. The bid documents should be completed and advertised by the end of this month. It is anticipated that this project will be completed on schedule.

Brooklin - The bidding process for this project is currently underway. It is anticipated that an extension will be needed for completion of this project.

Mount Desert - The contract with the Town has been signed. Final mooring plans are almost complete. The bidding process is expected to go smoothly, however, an extension to the contract will likely be needed.

C. LOCAL TECHNICAL ASSISTANCE

1. Direct Technical Assistance

Assistance provided by DECD/OCP, related to the administration of the Local Grant Programs and other local projects concerning coastal issues, is listed in the attached technical assistance log sheets.

2. Workshops for Local Officials

DECD/OCP staff participated in the Maine Harbor Masters Training Program in Castine. This program is sponsored by the Maine Criminal Justice Academy. DECD/OCP Coastal staff member was responsible for teaching a one hour course on mooring regulations.

3. Technical Assistance Materials

A marine contractor from mid-coast Maine is working with DECD/OCP Coastal staff on a new handbook related to appropriate design and construction of public access facilities along the coast. The handbook, to be completed by the end of July, 1990, will discuss the following: cumulative environmental impacts of docks, piers, and wharves; landside planning issues, such as parking, restrooms, solid waste, access roads, and drainage; designing and constructing wooden piers and wharves, bulkheads and technical assistance. The handbook is being written for municipal officials and other interested persons. This handbook will complement existing materials already available on the design and construction of boat launching ramps (available from the Maine Department of Conservation, Boating Facilities Program).

4. Growth Management Coordination

DECD/OCP Coastal staff have been working with DECD/OCP Growth Management staff to develop criteria and procedures for reviewing Comprehensive Plans for consistency with Maine's Coastal Policies.

TECHNICAL ASSISTANCE LOG
Mary Boyd-Broemel

- February 1, 1990 - Met with Richard Conant of Southport to discuss potential WAG project.
- February 5, 1990 - Met with city officials in Bangor to discuss several potential WAG projects.
- Met with town officials in Frankfort to discuss potential WAG projects.
- February 6, 1990 - Met with representatives of the Stockton Springs Development Corp and officials of Stockton Springs to discuss WAG process and potential project.
- Met with Hancock County staff to describe Waterfront Action Grant program and answer questions with respect to public access planning.
- February 7, 1990 - Met with Jim Layton of Cherryfield to discuss Narragansett River corridor and potential public access projects for WAG program.
- Met with Greg Lounder of HCPG and Gretchen Strong of Tremont to discuss potential WAG project.
- Met with Susan Woodward, a resident of Stonington to discuss the Waterfront Action Grant program.
- February 8, 1990 - Met with island officials on Isle au Haut to describe the WAG program and to discuss the potential project.
- Met with Karl Kosobud of Belfast to discuss potential WAG projects.
- February 12, 1990 - Met with town officials in York to discuss the Fishermans'Walk and potential WAG projects.
- February 13, 1990 - Met with Eric Perkins of SMRPC and town officials in Eliot to discuss potential WAG projects.
- Met with Jerome Plante and Marty Patricus in Old Orchard Beach to discuss the continued planting of dune grass as a potential WAG project.
- February 14, 1990 - Met with Jane Duncan of Kennebunkport and Eric Perkins of SMRPC to discuss Cape Porpoise pier as a Potential WAG project.
- Met with Jim McMahon of Ogunquit regarding potential WAG projects.
- Met with Paul Schumaker of South Berwick to visit boat launch site and deliver the shore access sign.

February 15, 1990 - Met with Amy Naylor-Davis in Brunswick to discuss 250th Anniversary park as a potential WAG project and describe the WAG program with respect to land acquisition.

February 16, 1990 - Met with Bob Benson and Tex Hauser of Cumberland and Tammy Risser of GPCOG to discuss Sunset Landing as a potential WAG project.

Met with town official of Cape Elizabeth to discuss Fort Williams Park as a potential WAG project.

February 20, 1990 - Met with Carol Shaw of EMCRPC and town officials of Camden to describe the WAG program and discuss the potential projects.

February 22, 1990 - Met with Rob Elder of Maine Department of Transportation to discuss the potential WAG applications.

Met with Dick Skinner of the Maine Boating Facility Program to discuss the potential WAG applications.

Met with Art Spiers of the Maine Historic Preservation Commission to discuss the archeological work in Pembroke and discuss the potential WAG applications.

February 26, 1990 - Met with Deb Neimier of Hunter-Balleau to discuss the Cumberland WAG application.

February 28, 1990 - Met with Dewey Chase of Bristol to discuss potential WAG projects.

March 9, 1990 - Met with Dana Anderson of South Portland to discuss the construction difficulties with the walkway details and to discuss potential WAG projects.

March 19, 1990 - Met with Dick Vander Zanden of Mt. Desert to go over the WAG process and state/local contract and discuss potential WAG project for this round.

Met with the Scenic Areas Task Force to discuss the fall conference.

March 20, 1990 - Met with Nancy Olson of Brooklin to discuss bidding process for boat launch and review final set of design Plans.

March 22, 1990 - Met with teachers from the Northern region of Maine to discuss how coastal planning concepts can be incorporated into the classroom.

March 23, 1990 - Met with George Waterman, marine contractor to solicit his interest in working with our office on a Public Access Series handbook on appropriate design and materials.

April 3, 1990 - Met with city officials of Rockland and the designated architect for the walkway to discuss the bidding and construction

process and the possible need for extending the construction window.

April 17, 1990 - Met with Skip Day and harbor committee members from Lincolnville to discuss the bidding and construction process and to discuss the potential of an extention.

April 19, 1990 - Met with Scot Cowger, Town Engineer of Cumberland at the pre-bid conference. We talked about the construction details and the anticipated timeframe.

April 20, 1990 - Met with the town selectpersons of Brooklin and contractors interested in the boat launch project during a pre-bid conference.

April 27, 1990 - Met with the project engineer for the Chebague Stone Wharf WAG to discuss the transition of project management within their office.

- Technical Assistance Log February-April 1990 Kirk Schlemmer
- 2/1/90 As member of the Damariscotta River Water Quality Video Committee worked to develop script.
- 2/5/90 Met with Don Simard, City Planner from Biddeford on Harbor Management Plan. Met with officials from Eliot on Harbor Management Plan.
- 2/6/90 Met with Selectmen and Planning Board members of Vinalhaven on potential planning grant projects.
- 2/7/90 Met with officials in Camden on harbor management needs.
- 2/8/90 Met with Freeport Town Manager and Planner on Freeport Harbor Management Plan concept.
- 2/13/90 Met with officials from Wells on potential harbor management plan. Attended Kennebunk Conservation Commission meeting and assisted in their effort to organize the Musuan River Path Plan Project. Attended Kennebunk Harbor Committee meeting to discuss Doane's wharf project.
- 2/14/90 Attended Freeport Coastal Waters Commission meeting to organize harbor management plan application.
- 2/26/90 Attended public hearing on Five Islands Pier plan in Georgetown.
- 3/6/90 Participated in workshop on harbor management in Machias put on by the Washington County Planning Commission.
- 3/8/90 Met with Art Hildebrandt of Maine Criminal Justice Academy to prepare harbor masters training curriculum.
- 3/14/90 Damariscotta River Video Committee continues work.
- 3/30-31/90 Attended Maine Harbor Masters Training Program in Castine. Taught one hour of course work in mooring regulations.
- 4/4/90 Site visit in Wiscasset to monitor progress on Greenbilt Plan. Met with Boothbay Harbor Master and Town Manager to discuss harbor management issues.
- 4/19/90 Presented information on harbor ordinances to Stockton Springs Harbor Committee.
- 4/26/90 Met with Brunswick Town Planner to continue work on water quality ordinance currently being funded through the 205(j) program.

Beginning in July 1990, communities will begin submitting Plans to the State for review and comment as required by the Growth Management Law (see attached list of submittal dates for coastal communities). Specifically, DECD/OCP Coastal staff have been involved in the following activities:

- A "dry run" review of the Comprehensive Plan for the coastal community of Arrowsic (see attached memo);
- Preparation of guidelines to be used by DECD/OCP coastal staff when reviewing Comprehensive Plans (to be completed during the next quarter);
- Training for the Regional Coastal Coordinators on how to assist communities during the development of local comprehensive plans to ensure that the Coastal Policies are addressed (see discussion on Regional Councils below); and
- Providing comments to DECD/OCP's Growth Management staff on a Draft Comprehensive Plan Review Criteria Rule.

5. Interagency Coordination

The Department of Conservation, Bureau of Submerged Lands, recently completed a study entitled, Abandoned Vessel Removal Study, that calls for the establishment of a Harbor Management Fund which would be used to assist municipalities in harbor planning and improvement, including the removal of vessels in question. As a follow-up to that study, the Interagency committee working on harbor management issues met to discuss possible funding sources for such an initiative. One option, discussed in the study, would be to assess a state mooring fee. These fees would be collected by municipalities in conjunction with issuing a permit. Alternatively, another option would be to raise state fees charged for boat licenses. The interagency committee will continue to meet over the summer months and will be preparing a proposal for consideration by the legislature during its next session.

DECD/OCP Coastal staff have also been working with the State Planning Office and officials from Acadia National Park on a case study workshop to be held during the summer of 1990 on scenic area documentation and conservation. DECD/OCP will be working on the selection of the local case study and development of the workshop agenda and materials to ensure coordination with the Growth Management Program.

D. REGIONAL COUNCIL COASTAL COORDINATORS

Quarterly reports from each region are attached. During this quarter, DECD/OCP provided the following monthly programs for the Coastal Coordinators:

- February 27 - DEP staff reviewed the final Shoreland Zoning Minimum Ordinance with the Coastal Coordinators and other Regional Council staff.
- April 24 - DECD/OCP staff reviewed the process that will be used to review and comment on local Comprehensive Plans under the Growth Management Program. A significant portion of the day was also devoted to discussing techniques that can be used to help coastal municipalities integrate Maine's Coastal Policies into local Plans.

Comprehensive Plan Review Schedule
Coastal Communities
Tier One/ Rounds One and Two

July 1990
South Berwick
Wells
Richmond
Edgecomb

August 1990
Wiscasset
Surry
Newcastle

September 1990
Dresden
Outler
Perry
Boothbay
York
October 1990
Woolwich
Warren

November 1990
Elliot

March 1991
Winter Harbor
South Bristol
Damariscotta
Kennebunk
Thomaston
Trenton

April 1991
Northport

May 1991
West Bath
Calais
Steuben

June 1991
Topsham
Yarmouth

* Note: Review dates have not yet been set for Ellsworth and Westport.

Harbors and Economic Development Are Subjects of Machias Meeting

By Mary Anne Clancy

Increasing state valuations, state and federal environmental regulations, and Washington County's third world status were among the subjects discussed as representatives from Jonesport, Cutler, and Eastport outlined their harbor development plans last week at the University of Maine at Machias.

The March 6 ports and harbors panel was sponsored by the Washington County Regional Planning Commission, Robert Elder of the Department of Transportation (DOT) and Kirk Schleumer of the Department of Economic and Community Development (DECD) discussed state and federal assistance programs for harbor development planning.

Schleumer, who works for the Office of Comprehensive Planning, said there is no state requirement that towns develop harbor management plans, but such plans are expected to be part of a coastal town's Comprehensive Growth Management Plan.

*Ellsworth American
3/15/90*

In Washington County, only Cutler and Perry are receiving state assistance for developing growth management plans, although other towns in the county have begun work without the funds.

Schleumer outlined Maline's nine coastal policies and 10 growth management goals and said his office is finding that a number of communities on the coast need to look at their harbors. Maline has approximately 4,000 miles of coastline, but only 10 percent of it is protected and usable, he said.

Elder discussed the DOT's recently completed survey on coastal marine infrastructure needs and said the port division of DOT had identified \$46 million in requested project funds.

The study, which will be used to develop the DOT's capital plan for the year 2000, identified 39 eligible projects in Washington County.

Elder said 25 of those projects, including several in Jonesport, Eastport, Cutler and East Machias, are on the priority list for grants of up to \$50,000. The funds require a 20 percent local match, which Elder said was aimed at meeting requirements

of the U.S. Army Corps of Engineers.

The harbor plans of the three towns range from Eastport's desire for continued growth as an international port to Jonesport's decision not to encourage tourism.

Paul Lessen, the chairman of Jonesport's planning board, said his town's plan revolves around preserving its fishing industry, trying to stabilize the economy, and getting the harbor cleaned up.

James Doyle, the director of Eastport's Port Authority, described an entirely different situation.

"In 1988, Eastport was the number one general cargo port in the state," said Doyle. "We are an aquaculture center, we have a flourishing fishing industry, we're a burgeoning recreational boating center, and our marine service industry is growing."

All of that growth is placing a strain on Eastport's present facilities, which were built to service a small fishing industry. The city expects shipping tonnage to double this year and aquaculture to grow to a \$25 million a year industry within the next five years, Doyle said.

Eastport is also feeling the effect of coastal development and subdivi-

sion pressure. "Last year, we had two subdivisions," he said. "We never had one before. Shorefront property that was going for \$10,000 an acre a few years ago is now selling for \$65,000 an acre."

Eastport has contracted with a consultant to develop a comprehensive plan for its port.

Aquaculture is also contributing to traffic jams at the docks in Cutler, according to Stillman Filzhenry, chairman of the committee that conducted the 1988 Cutler Harbor Study.

"We wanted to build a new pier there, but we were informed that money was scarce for a while," he said. "From what I just heard tonight, maybe that isn't true anymore."

Jinda Throckmorton, a Cutler selectman, said the town was interested in providing more access to the water for water-dependent uses, but did not want to spend money on a parking lot large enough to accommodate recreational vehicles.

"We're not buying land for someone from New Jersey to vacation on," she said.

Schleumer said that coastal funds are federal funds and, under federal guidelines, coastal access meant the coast had to be accessible for everyone.

Discussion turned to environmental regulations with Doyle saying that the state is pushing public access, but it was needed "10 biologists and a professor of mind" to develop a plan. "We're being regulated to death," agreed Jasper Cates of Cutler, who added that he was in favor of protecting the environment, but felt regulations were going too far.

Elder said the place where land and water meet is the most heavily regulated area in the country and stressed that it is important to develop a positive attitude, find something unique about your town and keep hammering.

"It may take a few years," he said. "It always takes longer to get through the wall, but once you're through, it goes quickly," he said.

The panel also discussed the effect escalating land prices are having on the ability of Washington County natives, particularly the next generation, to own property.

"We'll never make enough money to compete with the people that are coming in here from out of state and paying these prices for land," said one member of the audience.

"I remember the two Maines," said Doyle. "The developed Southern Maine is to have growth management for undeveloped Northern Maine. We're like the third world. We don't have economic development or growth management."

Southwest Voters Ban New Marinas

By Earl Brechin
*Ellsworth American
5/10/90*

Despite taking a generally dim view of new laws and regulations, voters at Southwest Harbor's annual meeting Tuesday tightened development restrictions along the waterfront.

With two marina proposals for more than 250 slips now before the planning board and several more waiting in the wings, residents voted almost unanimously to ban any new marinas on the east side of the harbor along Clark Point Road from Ralph Stanley's Boat Shop to the Coast Guard base.

"Fishermen can't compete with big investors coming in. If you open up that side of the harbor to marinas, it wouldn't be 10 years and we'd all be gone," warned lobsterman Tom Lawson.

Bangor developer Bob Baldacci, explained that he has been meeting with planners in workshop sessions to ensure that his plans for a 90-slip marina at the former Southwest Boat property would be approved.

Baldacci argued that to prohibit marinas along Clark Point Road would end up hurting fishermen.

Officials have ruled that Baldacci's project would be grandfathered and not covered by the ban. An application for a 160-slip marina on the former Stinson's Canning Co. plant site at the head of the harbor could still be reviewed since it is not in the affected area.

"All you have to do is look down the coast to see what will happen," Lawson said. "Fishermen have lost all the harbors south of here."

The new restriction, which specifically prohibits marinas in the maritime activity zone, passed by resounding voice vote.

While wading through a long list of new or revised ordinances including regulations governing street construction, subdivisions, and alarm systems, several residents expressed dissatisfaction with the growing body of new local laws.

Setting aside his gavel for a moment, moderator David Benson decried the trend towards more and more regulation.

"We're here in Southwest Harbor to enjoy our small community. That is what attracts people here. But, we

are slowly getting to be a Boston, Hartford, New York, or Chicago. We just keep tightening up the screws so that a person just can't do nothing anymore. We have to be careful that we don't ordinance ourselves right out of existence."

Benson's remarks were met with applause from the 150 or so residents in attendance.

With considerably less discussion than had been anticipated, voters Tuesday rejected a proposal that would have banned overnight and weekend emergency services dispatching to the town of Mount Desert.

During a debate on dispatching, Toby Strong pointed out that it made sense for island communities to consolidate their functions at some point.

"It took 20 years to get one high school but we must realize that we are just one island. I think it is time for people to ask why do we need four town managers, four governing bodies, three police departments, and 13 post offices for only 10,000 people on 445 square miles," said Strong who is married to Gretchen Strong, Tremont town manager.

During discussion of one article, a

resident asked for a definition of the word "inhabitant." Moderator Ben pointed to Lee Worcester and Morse then asked if coyotes were included in a definition of inhabitant.

In all, voters approved a total school budget of \$1,048,828. Taxes overall, Eric Swanson, town manager said.

During balloting on Monday, incumbent Selectman Bob Stanwood won reappointment to a two-year term with 207 votes. Berton Willey was not reelected. Lee Worcester and David Reed were also elected to the

board.

Vote totals for two three-year terms included Worcester with 237, Reed with 186, Willey with 182, Maurice Norwood with 154, David Gilley with 102 and Franklin Ward with 99. In the race for the seat won by Stanwood, Nancy Bulger received 193 and Don Wilson 125. For a single three-year term on the school board, Gail Royal won with 226 votes. Susan Bell received 212 votes and Allen Willey received 101.

Farmingdale decides to hire codes officer

By GEORGE MANLOVE
Staff Writer

FARMINGDALE — Town meeting voters Saturday decided to streamline the development process through hiring of a codes enforcement officer.

The part-time position will relieve the planning board of a backlog of code enforcement duties, officials said. It should also make life easier for developers, officials said.

Voters authorized selectmen to spend up to \$5,750 for the position.

Only one man argued against the request for a part-time code enforcement officer.

"I'm against it," said Gerard Edwards. "I'm satisfied with the way things have been going."

Shepard noted that the planning board is a heavily overworked group of volunteers. The town will lose its planning board, he said, if townspeople fail to grant board members relief.

New development has created the need for more building inspections, code enforcement work and experts who can advise homeowners and contractors doing business in the town, officials said.

"It's a matter of the town growing too big, too fast," said Planning Board Chairman Bruce Ellis. In addition to overseeing development proposals, the planning board must enforce state shoreland zoning and new forestry laws, and new mobile home park regulations mandated by the state, voters told.

"We're looking at, most members now, 20-30 hours a month," Ellis said. "It's just a matter of volunteers can't handle it anymore."

Voters overwhelmingly adopted two articles, one to spend the money for code enforcement work and another to try and strike a deal with Hallowell and Chelsea for the three-way hiring of a code enforcement officer who would serve all proportionately.

Jonesport voters enact new harbor ordinance

By Clayton Heil
Down East Bureau

MAR. 16, 1990
RON

JONESPORT — Late Monday night, Jonesporters voted by written ballot 35-8 to enact a new coastal waters and harbor ordinance for the town, and a hand vote by about 30 people set aside \$500 for a proposed regional airport at Machias.

The harbor plan that was fashioned by the Harbor Committee during the last two years was considered one of the first steps in an eventual townwide management plan.

The proposed ordinance was approved shortly before the day-long meeting was recessed at 8:25 p.m. The meeting will reconvene in June, when the town will vote on school budgets. About 300 people attended the morning and afternoon sessions, but attend-

ance faded after the supper hour.

Paul Iossa, chairman of the Planning Board, recently told a Ports and Harbors meeting at Machias that the harbor ordinance was intended to "preserve the town's fishing industry" and to protect the ecological integrity of the harbor by advocating a cleanup of the harbor. "We want to keep Jonesport Jonesport," he said.

Ernest Kelley of West Jonesport questioned that part of the ordinance which allocated single-point moorings for commercial fishing boats of an average length to swing in a 360-degree circle. He asked if he would be allowed to retain his rights to a mooring if he purchased a larger boat for his mooring.

Kelley was told that the Harbor Committee would be empathetic to the needs of each

commercial boat owner, and 10 percent of the mooring space at the Sawyer Cove anchorage would be allocated to recreational boats.

About 30 voters remained in the Jonesport-Bangs High School gymnasium when Tim Francis spoke in support of the proposed Machias Valley Regional Airport. Supporters of the airport had asked Jonesporters to contribute \$1,650 to help finance the proposed regional transportation facility at Machias. Jonesporters answered Francis by slicing \$1,150 from the request, leaving a \$500 donation. Jonesport's tongue-in-cheek contribution was contingent on adequate regionwide financial support from 16 towns in a 25-mile radius of Machias.

The Machias Valley Airport's Expansion Committee has rec-

ommended that the airport, a single 2,900-foot strip of asphalt running south to Route 1 and north to the edge of Machias River, be expanded to include a 4,000-foot crosswind runway. The committee wants Machias residents on June 5 to appropriate \$5,000 to the project. The \$5,000, plus contributions from 15 other towns, would be expended in part for environmental and engineering studies.

Roland Rogers Jr., who had moderated the majority of Jonesport's annual and special town meetings for a decade, nominated Robert L. Smith to preside over the annual business session. After Smith was elected, Rogers, a retired school superintendent, was given a standing ovation in appreciation for his service to the town.

COG studying Casco Bay pollution

Hope it leads to towns' united protection effort

By Bernie Monegain, Times Record
Times Record Staff Reporter
2/21/90

PORLAND — It's not too late for Casco Bay.

So say the planners at the Greater Portland Council of Governments who have begun a study of the 150-square-mile body of water off Maine's southern coast. The bay already shows some of the same signs of degradation as more urban waters such as Boston Harbor, according to some scientific data.

The Casco Bay study is funded in part by a \$35,000 federal grant. COG had to put up an additional \$15,000. The study is aimed at finding out just how much pollution or, as planners put it, "nutrient loading" the bay can handle.

With that kind of information in hand, says Tamara Risser, COG's coastal coordinator, towns and cities can take steps to protect the bay. Without it, there is no way of knowing how or where to begin.

"We have to understand what the capacity of the bay is to absorb development and understand too the resources that may be impacted," said Mathew H. Eddy, COG's director of planning.

"It's an education issue," said Risser. "We'll answer some questions, and we'll raise some questions."

COG is an association of Cumberland County towns and cities. It serves as a regional planning commission, assisting individual municipalities and working with several of them on common issues, such as Casco Bay.

Freeport and Pownal are members of COG. Brunswick is not. However, COG's study of Casco

It's an education issue. We'll answer some questions, and we'll raise some questions.'

Tamara Risser
COG's coastal coordinator

Bay will in part be patterned on one that Brunswick did of Maquoit Bay. Eddy, who used to work as town planner in Brunswick, lives in that town, as does Risser.

Both are familiar with the Maquoit Bay study, and they agree the premise for the Casco Bay study ought to be the same — with the focus on the water.

The goal, Eddy said, is to get at the interaction between the land and the bay.

"We don't want to protect the water resource by what's important from the land perspective, but from what's important to the water."

And, the more that is known about the bay, the better equipped we will be to care for it, Risser said.

Cog has begun the inventory and analysis phase of the study. It means taking a look at tidal currents, temperatures and depths, considering the ocean floor, the intertidal area and the shoreline. It means taking into account marine animals and plants, including clams, worms, eel grass and their habitats. It means looking at ports and harbors, the fishing and tourist industries and



Tamara Risser, coastal coordinator for the Greater Portland Council of Governments, points to an area on a map that shows the watershed area that includes Freeport, Yarmouth, North Yarmouth and Pownal. (Bernie Monegain photo)

public access.

This initial phase of the project is expected to be completed by the end of June. No timetable has been set yet for other phases: distributing the information and developing land use strategy.

Risser has another model to base her study on besides the Maquoit Bay one. She was the driving force behind the study of the Cousins River that COG completed last December.

The Cousins River study provided a prime example of how one watershed area, which Risser terms loosely as "a bioregion," can affect separate political entities. In the case of Cousins River Freeport, Yarmouth, North Yarmouth and Pownal.

Among the many interactions that the study documents, it shows that the pollution that enters the Royal River from a sewage treatment plant along the river, runs back up the Cousins River, significant, Eddy said, because the spongy banks of the Cousins River may serve as a sort of filtering system for Casco Bay.

When Risser looks at Casco Bay, she plans to apply the same methods she used in the Cousins River study, taking advantage of data that's already been gathered by a several municipalities. To make it easier to study, she will divide up the bay, she said, probably in four bio-regions.

"Each one of these bio-regions may have a resource that may or may not

be important," Risser said. In each, planners will look at land uses, sewage discharges from boats, dredging and a wide variety of other activities that could affect the bay.

"I think there's a lot of things to be worried about," Eddy said.

On the positive side, Risser and Eddy agreed, Maine and its municipalities are becoming more protective of Casco Bay and its other waters. Brunswick has its Bay Committee, for instance. Yarmouth is looking at its piers and docks. Cumberland is studying ground water quality on Chebeague Island. Several towns are looking at their storm water run-off.



Maine Heritage

Volume 2 Number 2 Winter 1990



Bill Bonynu on his Sasanoa River property.

Saltwater Farm Forever Protected

Estate Planning Yields Conservation Easement

Bill Bonynu recently discovered that the high value of his land threatened to impoverish his family. Fortunately, through estate planning and a grant of a conservation easement, Bill has been able to avoid what might have been a catastrophic financial and emotional loss. Bill's problem is not unique; it is a dilemma facing many Maine landowners who have seen their property value increase dramatically in recent years.

In October of 1986, Bill Bonynu met with his accountant and explained that the time had come to transfer his 150-acre saltwater farm on Westport Island to his three sons. Understandably, he was shocked to learn that his dream could not be

achieved because his land was too valuable. He had purchased this magnificent piece of the Maine coast with nearly two miles of ocean frontage in 1947 for \$1,800. Since then the value had increased more than 600 times his original purchase price. If he gave the property to his sons now, or transferred it to them through his will, the combined gift and estate tax due would exceed his family's financial means.

The property would have to be sold to raise the cash necessary to pay the tax.

Bill had never considered that the value of his estate, consisting primarily of this farm, could cause him to lose his family's most cherished possession. Nor had he considered that the farm might be subdivided and devel-

oped — which, it all likelihood, would occur if the property were ever sold. Bill had attended a conference hosted by Maine Coast Heritage Trust (MCHT), and he recalled a presentation that discussed strategies and incentives for protecting privately owned land. With his current dilemma, he decided to contact MCHT and an attorney versed in estate planning.

An initial meeting between Bill, his sons, his attorney, his accountant, and a representative of MCHT covered a range of conservation options, including an outright gift, a partial or portion of the land, a bargain sale of the property to a land conservation organization, and the donation of a conservation

interest in new page
continued on next page

easement restricting certain uses of the land. In the ensuing months, Bill worked with his advisors and MCHT to develop a plan which would minimize his estate tax burden, meet his family's anticipated long-term income needs and conserve, forever, the most scenically and ecologically sensitive portions of his saltwater farm.

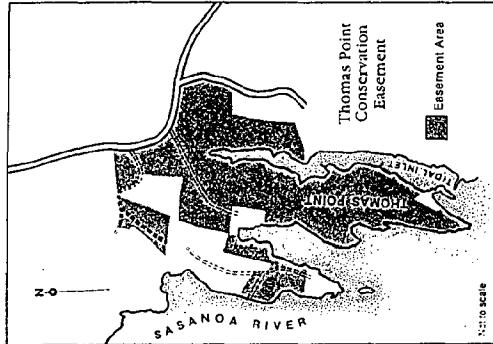
The result was a conservation easement protecting the heart of the farm, encompassing eighty-three acres and all of the shore frontage. As is true of all easements, Bill and his heirs retain ownership of the property and may continue using the land in ways consistent with the terms of the easement. The easement, granted to the Maine Department of Inland Fisheries and Wildlife, permits continued cultivation of farm fields and selected harvesting of timber. The existing buildings can be maintained and/or reconstructed, two new docks may be built at designated areas, but no other structures may be constructed on this portion of the property. Sixty-seven acres located on the back portion of the property were reserved for future residential and income needs.

of the easement was \$680,000. Both State and Federal laws governing estate taxes permit taxpayers to deduct the full value of the conservation easements from their taxable estates. The 55% reduction in the value of Bill's land will make it possible for his family to meet the anticipated estate tax obligations of their homestead.

A great deal more value has been derived from this conservation easement than simply the estate tax savings. Maine residents and visitors will enjoy the tremendous scenic beauty of this saltwater farm. A majestic stand of old growth white pine, unusual on the coast and important for wildlife, will be forever preserved. And a tract of the State's dwindling agricultural land base will continue to be available for farming.

As Bill Bonynu's situation demon-

strates, an easement that is tailored to the specific financial needs of the donor and the unique physical features of the land can allow the conservation-minded landowner to leave a lasting legacy that might otherwise be consumed by gift and estate taxes. □



The gift of this easement resulted in a significant reduction in the fair market value of the property. An appraisal of the property prior to the easement gift was \$1,230,000. After the easement was granted, the appraised value stood at \$550,000. Thus, the value

Through the Eyes of the Donor

The following is an excerpt of a letter written by Bill Bonynu and reprinted here with his permission.

ing but Gene caught the message:

"Of course we would never want to change it. We'd keep it all together, forever."

He smiled and nodded. "With some trepidation I asked the price. He said: 'Two thousand.' We were stunned, and as one we said: "Mr. Thomas, that's not enough!"

He completely misinterpreted assuming that we were playing the role of good Yankee traders, held up two fingers and said clearly: "Two thousand." We kept insisting that he should get more. But Mr. Thomas, that's not enough!"

We were playing the role of good Yankee traders, held up two fingers and said clearly: "Two thousand." We kept insisting that he should get more. But Mr. Thomas, that's not enough!"

He was completely misinterpreted, assuming that we were playing the role of good Yankee traders, held up two fingers and said clearly: "Two thousand." We kept insisting that he should get more. But Mr. Thomas, that's not enough!"

And we did.

pure luck steered us on to the road leading to the island ferry. We found some lovely places, but nothing that seemed to cry out, "This is it! We were on the way up island and toward the ferry when my wife Genesia said, "Why don't we at least look at the Thomas Farm?" Every neighbor had said the same thing: Frank Thomas' place had been for sale for ten years, but when anyone tries to buy it, he won't sell."

So we gave it a try. We rambled over almost

impossible driveways, through the woods and suddenly, there it was: The barns, the sheds, the house overlooking a beautiful cove reaching out to big bay, and there was the old man himself, standing with his oven, the last living member of

the Thomas family which had settled into this enchanting place in the eighteenth century. It was a magic; we could barely believe it. We said nothing about buying — could we just take a look?" He smiled and pointed our places for us to explore. Finally, exhausted but exhilarated, we returned to Frank and his son and expressed our delight with the place. I screwed up my courage and said: "Mr. Thomas, we've been told that you might be considering the possibility of selling this wonderful place. If ever you do make that decision, will you let us know? Here's a stamped envelope with our address."

He just looked directly into my eyes with the fierce glance of a hawk, turned with the same penetrating look and locked eyes with Gene. Then waved his arms as though embracing the whole farm. He had a speech impediment. I could not understand much of what he was say-

The Newsletter of Maine Coast Heritage Trust

In November of this year, Maine Coast Heritage Trust was proud to award Bill Bonynu with The Land Heritage Award for 1989 in recognition of his outstanding contribution to land conservation in Maine.

Beach /

There's no sense second-guessing the vote by Wells residents rejecting an offer from Moody Beach owners to share the beach with townspeople under certain conditions.

The community has been left bitterly divided by a Maine Supreme Court ruling that the beach is privately owned. And residents evidently felt that a recent agreement negotiated by beach owners and town officials for public use of the mile-long stretch was too restrictive.

"The whole sour affair underscores once again that access to the coast is becoming increasingly limited for ordinary citizens who don't happen to own a piece of it.

Development pressures during the past decade have only tightened the squeeze. Maine has the longest shoreline of any

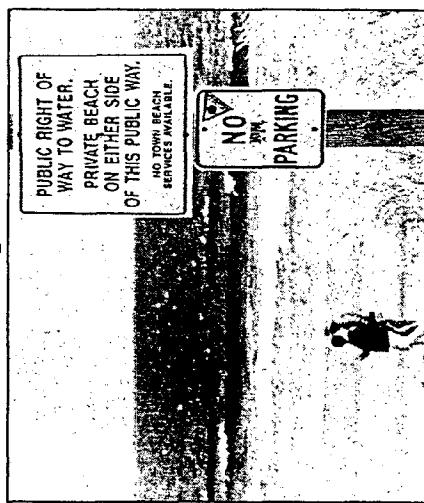
any state on the Atlantic coast north of Florida — 3,478 miles. But more than 95 percent of it is privately owned. Mainers cannot rely either on the courts or the generosity of shorefront property owners to improve access. That's something the people of the state must see to themselves.

An important beginning was made with the 1987 ratification of a \$35 million bond issue to make public land purchases. But municipalities up and down the coast must also take the initiative in making sure that seashore access is guaranteed.

If nothing else, Wells provides a textbook example of why action must be taken now to preserve Maine's oceanside heritage for future generations.

PPH 3/14/90
available

Residents table proposal on access to Moody Beach



TWO PEOPLE walk on the narrow section of Moody Beach that is public property. Residents at a town meeting Saturday voted to table a proposed agreement between Selectmen and representatives of cottage owners to give the town access to all of the beach. The Maine Supreme Judicial Court ruled last year that Moody Beach is the private property of cottage owners. (AP Photo)

The agreement called for a revision of town ordinances that referred to the beach as public, and it would prohibit lifeguards from being stationed on the beach. There also could be no amplified music on the beach or on the music of the shore.

"The agreement demands 'got out of hand,'" Carter said.

"The Friends of Moody Beach, the property owners who negotiated the agreement, told the town that a majority of owners would sign it."

But some cottage owners oppose the agreement. Some residents fell the committee

Wells residents reject beach offer

ppH

BY SUSAN GADDEY Staff Writer **3/12/90** I've been a party to a lot of agreements and contracts, and I've never seen one as one-sided as this. The beach owners get everything. The town gets nothing.

on-beach parking, mass transportation and other conditions. Voters also rejected a proposal to begin eminent domain proceed-
— Roger Batchelder
campground owner

private," she said.
John D. Gleason, attorney for the beach owners, said Sunday he was surprised that residents reflect

"As far as I'm concerned, the town," said Hazen Tiffa.
Roger Batchelder, who owns the beach with the residents made was a very genuine offer to share the beach with the residents ed the agreement.

"I've been party to a lot of agreements and contracts, and I've never seen one as one-sided as this. The beach owners don't deserve to be treated like this," he said.

Stevens called the town beaches "vital to our economy and a great future for the beach areas as a whole."

lifeguards and no sunbathing above the high tide mark. "At high tide, everyone would have to leave the beach," he said.

The agreement also required the town to indemnify beach owners from lawsuits that might arise from public use of the beach, and to change all local ordinances regarding beachfront properties, but left open the option of future eminent domain proceedings by rejecting a specific plan to acquire portions of three beachfront properties.

ment with Beach owners. "Nothing has really changed from the status of the beach before the town meeting and after the decision of the Maine Supreme Court that it is private to low water," Glason said.

Maine Island Trail Association honored for its volunteer work

By JILL LANG
Staff Writer

ROCKLAND — The Maine Island Trail Association is one of 70 groups in the nation being recognized today by President George Bush as part of National Volunteer Week.

The Rockland-based association, an arm of the non-profit Island Institute, is the only New England group to receive this certificate, said Bill Barrett, a spokesman for Action, the federal domestic volunteer agency that chose the 70 honorees from more than 300 nominees.

The association founded three years ago, has a core of 1,800 members who, through contributions of time and money, help maintain 60 state-owned and private lands in the trail.

A biking, by the credo "leave nothing behind but your wake," members canoe, kayak or take outboard boats to islands along the 325-mile trail from Casco Bay to Main

For us, our Earth Day activities go on throughout the year. And the more people care about these islands, the better for all of us.

— Ken Fink

chus Bay. They camp on the islands, and conduct cleanups, annual spring brush burns and other forms of maintenance.

"The association is bringing lands back into public use that would have otherwise been put off-limits," said Tom Morrison, director of the state's Bureau of Public Lands.

The association has members nationwide, with half living outside of Maine and many paying dues from inland cities such as Chicago and St. Louis.

Morrison and association mem-

bers point to the group's director, David Getchell Sr. of Appleton, as the reason for the group's success and popularity.

Getchell, the association's only full-time administrator, is a freelance writer and former editor of National Fisherman magazine. He also is an enthusiastic bicyclist.

Getchell, one of the charter members, says the association's success is due to its members.

But, he adds, "I think that the volunteerism award will help publicize their goals."

"For us, our Earth Day activities go on throughout the year," said member Ken Fink. "And the more people care about these islands, the better for all of us."

Most of the islands in the trail are unnamed. Forty-five are state-owned and 15 are private property. The state-owned islands are accessible to anyone, but only asso-

ciated members can get a list of the privately owned islands.

This policy, Getchell said, protects the interests of island owners.

Island owners are concerned about damage that campers' fires and garbage can do to their property, said Hank Taff of Lanesboro, who owns Halifax Island in Washington County, near the eastern end of the trail.

The work of the association can only encourage more island owners to allow visitors on their property, Taff said.

"(Associations' members) are people who know how to treat an island, and I like that," said Taff, adding that the association also gives a voice to island owners concerning state environmental and access policies.

"At the moment, these small islands have no constituency. No one speaks for them except the Island Institute and the Island Trail Association," said Taff. "But the more people who get out there, the more quickly a constituency can form."

PPK 4/27/90

ation members can get a list of the privately owned islands.

This policy, Getchell said, protects the interests of island owners.

Island owners are concerned about damage that campers' fires and garbage can do to their property, said Hank Taff of Lanesboro, who owns Halifax Island in Washington County, near the eastern end of the trail.

The work of the association can only encourage more island owners to allow visitors on their property, Taff said.

"(Associations' members) are people who know how to treat an island, and I like that," said Taff, adding that the association also gives a voice to island owners concerning state environmental and access policies.

"At the moment, these small islands have no constituency. No one speaks for them except the Island Institute and the Island Trail Association," said Taff. "But the more people who get out there, the more quickly a constituency can form."

Island trail is far from the crowds

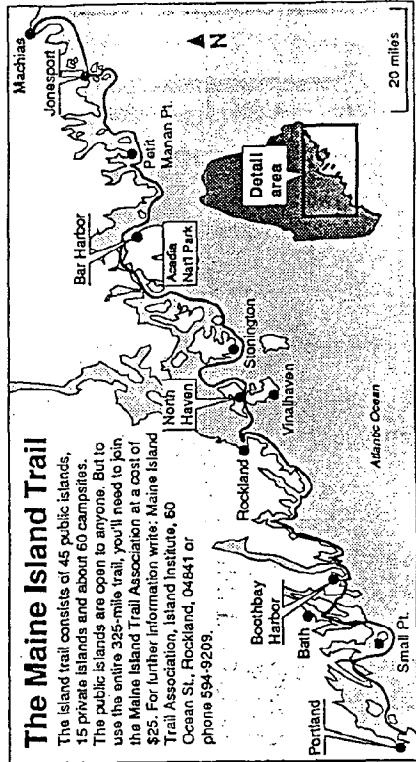
ROCKLAND — No man is an island. But by kayaking to a small, rocky piece of land several miles off the Maine coast, a man can certainly come close.

"Going to some of these islands, you can imagine what life was like there years and years ago," Steve Hanson said. "It's quiet and peaceful. And, because there's a real effort to get there and you're far from the crowds, it has a certain romance to it."

Hanson often kayaks with his wife and 18-month-old daughter. He said the island group's work has eased owners' fears about trash and other public abuse, and that has opened the islands to visitors without the association. Hanson said, the opportunity for many island experiences "would have passed for all time."

The work of the Maine Island Trail Association, he said, has an immediate impact on Maine life.

— Jill Lang



Press Herald/Tom Peron

Research was completed on efforts undertaken by other states and nations to manage their ocean resources comprehensively. A contract was granted for determining relative market and nonmarket values of Casco Bay. In addition, numerous state officials and user/interest groups were interviewed.

B. Island Development & Conservation Strategy

Task reprogrammed. Coastal staff continued to monitor island issues, however, looking toward clarifying the Coastal Program's future role in helping the islands address issues of common concern. This included compiling articles and news clippings and attendance at an Inter-Island Town Meeting organized in April by the Planning Board of one of the island communities. About 35 island residents attended, representing 10 of the 14 island communities. Principal issues discussed included tourism, solid waste, and groundwater protection (see clipping below). A Steering Committee was formed which will meet in May to talk about the group's long term purpose, goals and make-up.

C. Estuarine Strategy

The information gathering phase of this project was completed and a report identifying threats to Maine estuarine resources was drafted. Information from other coastal states and provinces was gathered and compared. An estuarine habitat classification project was initiated to devise a classification system appropriate to Maine's diverse coastal environment.

Regional planning agencies and state agencies were surveyed to identify management priorities and problems in Maine estuaries. Following Casco Bay's acceptance into the EPA's National Estuary Program (NEP), the question of how work in Casco Bay also might be of value for other estuarine areas in the state was examined. Finally, preparation of an Estuary Management Primer was undertaken to familiarize town officials, planning board and conservation commission members and concerned citizens with the complex array of issues in estuarine areas and possible solutions.

Task 5 -- Program Administration & Implementation

A. Public Education Initiative & Coastweek

The Coastal Program released two publications targeted for the general public during the reporting period, Watershed: An Action Guide to Improving Maine Waters and An Aquaculture Development Strategy for the State of Maine. The Communications Coordinator wrote and distributed Watershed in time for Earth Day, handing it out at Eco-fairs in Augusta and Falmouth. (Coastal Program materials and displays also were provided at five other sites around Maine for Earth Day activities.) The Coordinator also gave public talks at the University of of

Estuary Watershed Project Overview:

At the margin of the coast, rivers, streams and brooks blend with the saltwater of the sea in highly productive environments called estuaries. These estuarine environments are threatened by the growth of coastal towns and intensified use of land and marine resources. Indications of the impairment of estuarine areas include the widespread closures of clam flats, declines in anadromous fish runs, and the presence of toxics in estuarine sediments and shellfish tissues.

Estuarine watersheds include any coastal embayment where the water is measurably diluted with freshwater as well as the surrounding lands and waters which drain into the estuary. Initially, this project is focusing on river estuaries, coastal embayments with at least one major freshwater inflow, rather than embayment estuaries.

River estuaries range in size from the Kennebec River to the Webhannet River and interface directly with the Gulf of Maine or as subsystems of larger bays. River estuaries are impacted by land and water uses in the river drainage area as well as those within the immediate estuary watershed. The basins collect pollutants washed downriver and those generated along the shores of the estuary. Historically the site of sheltered harbor towns and port cities, river estuaries have endured the brunt of coastal development.

Embayment estuaries, such as Machias Bay, New Meadows River and Bagaduce River, may have several small brooks, streams and seeps diluting the nearshore waters. These embayments also have water quality problems arising from surrounding land use and polluting discharges. Eventually, the lessons learned from river estuary watershed planning will be applied to these embayments as well.

Coastal towns are struggling to manage growth and shared resources such as aquifers, lakes and rivers. Estuaries and associated watersheds are rarely addressed in regional planning efforts in Maine; perhaps because of the high value of coastal land and the multitude of resource users, regulatory agencies and political jurisdictions involved at the interface of land and sea.

Several inland Maine towns have formed watershed districts to protect and improve water quality and manage growth around freshwater lakes within their borders. Analogous efforts need to be encouraged in coastal watersheds at the local level. The estuarine management strategy will create a framework for these local efforts and integrate existing state management programs with the objective of sustainable development and conservation of estuarine resources.

To: Regional Planning Agencies
Coastal Coordinators

From: Jenny Ruffing, State Planning Office
Re: Estuary Planning

Over the past few months, I've spoken with many of you regarding the estuarine watershed project. Now I need your help if the development of a management strategy and estuarine management program will reflect local conditions and priorities and not be a product only of Augusta-based policy makers.

The estuary project focuses on the integration of land use management practices with marine water and resource protection and improvement efforts. In Maine, local management efforts have often linked the water quality of freshwater lakes and groundwater aquifers with land use practices, but this approach has rarely extended to coastal waters.

The strategy has three goals:

1. To create a framework for cooperation and communication between state agencies in order to more effectively manage estuarine resources.
2. To identify weaknesses in present programs and policies (state laws and regulations) related to estuarine watersheds and resources.
3. To propose mechanisms for the implementation of effective estuarine management at the local and regional level.

With the acceptance of Casco Bay into EPA's National Estuary Program, the development of a state-wide estuarine strategy is needed so that Casco Bay estuary projects and plans will be applicable to other areas of Maine. Please take a few minutes to complete and return the following survey. I'll send you a compilation of the results later.

Please call me at 289-1495, if you have questions or comments. Thank you.

Forum plots future of St. Croix waterway

By Diana Graettinger
Down East Bureau

CALAIS — A workshop on the future of the St. Croix International Waterway attracted municipal, state and provincial leaders from both sides of the international border who hope to develop a plan for interjurisdictional management of the resources of the St. Croix River.

The forum, organized by Glenn Avery of the Washington County Regional Planning Commission, drew representatives from St. Stephen, Oak Bay, Bayside, and St. Andrews in New Brunswick, and from Calais and Robinston. The participants listened for more than three hours to U.S. and Canadian speakers who delineated issues they called critical to the management and growth of the area.

Geoffrey D. Howell of the waterway planning and management branch of the Inland Waters Directorate of Dartmouth, Nova Scotia, said that he had been involved with the Canada-based Atlantic Estuaries Cooperative Venture, a joint effort of federal, provincial, university and private interests to ensure that the importance of estuaries was recognized and preserved.



Geoffrey Howell

Howell explained that estuaries, those areas along the coast where rivers and streams meet the ocean and fresh and salt water mix, were important and productive ecosystems. He said that the major objective of his group was to "ensure the long-term health of estuaries in Atlantic Canada, especially those of ecological and economic significance through rehabilitation and sound

management."

The Canadian official said that his group had identified several strategies to protect estuaries.

Among the strategies were the following:

- Identification of activities that adversely affect the environmental health of estuaries.
- Development of management strategies that establish the guiding principles for individual areas.
- Development of specific management plans to address elements of the strategies.
- Cooperation with landowners to address activities adversely affecting the health and use of the estuaries.
- Cooperation with industry to resolve related pollution problems.
- Identification of some uplands and wetlands for conservation purposes to ensure adequate habitat for fish and wildlife and to protect critical and endangered habitat.
- Identification of marine areas for the protection of critical fish habitat.
- Use of special designations to help protect significant terrestrial and aquatic habitat.
- Development of conflict resolution mechanisms that recognize the interests of all users.

• Coordination of management efforts between all interested parties.

The AECV has identified three major estuaries in Atlantic Canada — Annapolis River in Nova Scotia, Nepisiguit in New Brunswick and Wilmot-Dunk on Prince Edward Island — that are worthy of special protection. Howell said that his group would continue to work closely with local officials and area interest groups to develop a management strategy for the estuaries in their area.

Lee Sochasky, executive director of the St. Croix International Waterway Commission, told the group that her commission had received a mandate from the Maine and New Brunswick governments to "develop a waterway plan that will provide a strategy and framework for multiple-use and interjurisdictional management of the resources of the St. Croix International Waterway."

The waterway planning area, Sochasky said, included the waters and immediate shorelines of the Chiputneticook Lakes of North Lake, East Grand Lake and Spednic Lake; the river mainstream to Calais and St. Stephen; and the tidewaters to St.

Andrews harbor and Lewis Cove in Perry. The area also includes 225 square miles of forest watershed bounded by the Chiputneticook Lakes and the New Brunswick villages of Canterbury and McAdam.

Other speakers who addressed the forum were Jenny Ruffing of the Maine State Planning Office, Carolyn Pryor of the Maine Coast Heritage Trust, and John Moore and Milton Cross of the Bayside Industrial Park.

During the session, the more than 25 participants identified several critical areas for future research and review. Among those areas are: a review of water pollution through residential, industrial and municipal use; the future uses of the estuary; and a program to preserve the river's unique natural and cultural heritage.

Avery said Friday, that the expansion of international shipping in Bayside and the stresses placed on the river through industrial, municipal and recreational uses, necessitated a master plan to ensure the future protection of the river. He said the group would meet again in April or May to search for solutions and to develop a plan to manage the waterway effectively.

Southern Maine and Unity College to help publicize the guide, and organized a media campaign including public service advertisements aired in May on all of Maine's major television and radio stations.

The Aquaculture Development Strategy, which the Coordinator helped edit and produce, was printed in late April. The Coordinator wrote an article on the Strategy for coastal newspapers and developed press packets. She also prepared a factsheet for the press on anti-fouling boat bottom paints.

Coastlinks: A Resource Guide to Maine's Coastal Organizations, was revised and is currently being reprinted. Only several hundred copies remain of the original edition (printed in August 1988). The University of Maine Sea Grant is helping with printing costs for an updated edition of 5,000 copies.

The Communications Coordinator worked with three other organizations to produce an educational poster featuring a satellite image of the Gulf of Maine. Ready for printing, the poster is being funded jointly by the Maine Coastal Program, Bigelow Laboratory for Ocean Sciences, Center for Vision and Policy, and Maine Boats and Harbors Magazine.

The preliminary Shore Stewards Proposal was circulated to 20 professionals in the field and well-received. Further program development included selection of six pilot groups and researching a Program Handbook for participants.

B. OCS Oversight

Coastal staff reviewed and commented on the Report of the OCS Policy Committee Subcommittee to Review Analyses of the Exxon Valdez Oil Spill. A resolution endorsing the report and transmitting it to the Secretary of the Interior will be voted on by the full Committee at its May meeting.

The draft 5-Year OCS Leasing Program had been expected in March, but was held up pending Presidential decisions on leases sales proposed for areas off California and Florida. (A Presidential Task Force report on these sales was completed at the beginning of 1990.) The draft 5-Year Program now is expected in early summer, and the Governor will be given 60 days to provide comment.

C. Other

(1) Gulf of Maine Activities -- Coastal staff worked with the Canadian - American Center at the University of Maine to publish the Proceedings for the Gulf of Maine conference, expected to be available in June. Production of Gulflinks, a resource guide to marine-related organizations in the entire Gulf region (similar to Maine's Coastlinks), was initiated and is

being coordinated for fall publication. As a follow up to the Gulf of Maine Conference session on "GIS in the Marine Environment," staff worked on a recommendation to the Gulf of Maine Council on the Marine Environment about their role in coordinating marine GIS activities in the region.

Coastal staff also continued work on a Gulf-wide monitoring plan. A mission statement and goals and objectives were finalized by the Working Group. The consultant provided a review of monitoring methodologies that could be applied to the stated objectives and a draft outline for a monitoring plan. The consultant also organized a workshop to be held at the end of May. Environmental policymakers, managers and scientists have been invited to review the draft plan and establish priorities for the tiered implementation of the plan. Finally, Coastal staff participated in a workshop held in St. Andrews, Nova Scotia on March 1-2, sponsored by the Gulf of Maine Working Group to promote discussion of the environmental impacts of finfish culture in the Gulf of Maine (see 1988-89 Task 4.B).

(2) Water Dependent Uses -- The Coastal Program's Water Dependent Uses Mapping Project is being used by the DEP and the Land Use Regulation Commission (LURC) to expand protection of water dependent uses in Maine. The DEP's newly-adopted model Shoreland Zoning Ordinance includes a Commercial Fisheries/Maritime Activities District; LURC is proposing to amend its regulations in May to include Maritime Development Subdistricts. In both cases, district descriptions include areas where existing development is predominantly water-dependent as well as areas that meet certain physical suitability criteria. Criteria for water depth, slope of land, and protection from wind and waves to delineate "prime sites" for water-dependent uses were developed as part of the Water Dependent Uses Project.

(3) Administrative -- Administrative activities included preparation of a major "Reprogramming Request" for CZ100, dated February 14, 1990, and a six-month extension request, by letter of April 6, 1990, in response to OCRM's Section 312 Evaluation and changes in Maine's coastal priorities and approaches to specific issues. As of the end of the reporting period we were still awaiting formal notice of OCRM action on these requests.



EDITORIAL

COMMERCIAL FISHERIES NEWS 4/90

US/Canada conference a success: Foundation for understanding

The US/Canadian conference in Portland March 19-20 was a momentous step toward improved fisheries relations between the two countries.

It is odd to call the conference momentous since its strength was that it had no agenda and that there was no concrete outcome.

For six years we have supported a conference such as this — its purpose, to provide some foundation for co-existing after the Hague Line, with the US and Canada sharing the Gulf of Maine and Georges Bank in a new era.

And the "Gulf of Maine Fisheries in the '90s" conference did provide the first stones in a foundation for co-existence. The conference worked because neither side had any expectations of "getting" anything. Thus, Canadians did not have to fend off US requests for access. And US fishermen and managers did not have to fend off requests to give up countervail.

Instead, each side got to know the other: its science, its management structure, its groundfish management, and its industry. People attending also got to know each other. This type of uncharged exchange is brand new, after what one participant called "10 wasted years" since the treaty.

The Canadians heard what a pivotal role the councils play in management — that they are far more than advisory groups. The US realized that part of the Canadians' problem of not knowing who to talk to lies in the fact that they are interested in species as variant as groundfish, mackerel, and swordfish. To deal with councils on those species, the Canadians would have to

deal with three separate councils: New England, Mid-Atlantic, and South Atlantic.

The conference was a tremendous success. Sen. George Mitchell is to be commended for persevering over many years to bring about the event. Jim Wilson of the University of Maine is to be commended for conceiving of the conference and keeping the idea alive.

All who participated are to be commended for reading the delicacy of the situation and truly talking, truly listening.

The secret of success from here is to continue informal, informational exchanges. Clearly, neither side

has found the answer for management, particularly for groundfish. But clearly, we gain much by comparing notes.

This conference should be the first of similar exchanges structured on exactly the same, no-outcome basis. We must be careful not to go too fast, nor have high expectations. If, as a result of discussions and mutual understanding, the industry or the managers on both sides want to take actions in concert, we are confident that it will be possible. Issues of protocol and authority tend to diminish as understanding increases.

Robin Alden

Perspective on our own groundfish affairs

It is sobering for one such as myself on the US side, who has been involved in our groundfish management, to see the steps the Canadians have taken: quotas, boat classes, areas, and now vessel allocations. It is more sobering still, to see continued stock problems in Southwest Nova Scotia, despite those steps.

New England is about to embark on another major round of groundfish management discussions in the next year, triggered by the change in the law and the current state of the stocks (See Voices, pages 14A-15A).

We have a lot to learn from Canadian managers and fishermen about how effective their measures have been and what problems they have caused.

Here at home, the Portland conference pointed out how serious the communication problem between

council and National Marine Fisheries Service scientists continues to be. This is an unproductive standoff that needs a "Wilson conference" of its own.

We heard at the Portland conference how many fishermen are involved in the Canadians' advisory committees — surely food for thought for the New England council which has become far too isolated.

The constructive discussion that took place at the US/Canadian conference should be a model for our own groundfish discussions in the months to come. We here at Commercial Fisheries News plan to participate by printing opinions from fishermen, scientists, and managers. The start of that is in "Voices" this month. We hope you will write us.

Robin Alden



** WORKSHOP ANNOUNCEMENT **

Convened by: THE GULF OF MAINE WORKING GROUP
Sponsored by: New Brunswick Department of Fisheries and

Aquaculture
New Brunswick Department of Environment
Maine Department of Marine Resources
Maine State Planning Office

THE ENVIRONMENTAL IMPACTS OF FINISH CULTURE

to be held

MARCH 1-2, 1990
at the

HUNTSMAN MARINE LABORATORY
St. Andrews, New Brunswick

The goal of this workshop is to allow those involved in the regulation of aquaculture in the Gulf region to share information, ideas and questions regarding management of this emerging and important marine industry. An outgrowth of the Gulf of Maine Initiative, a multi-lateral effort to improve the environmental management of the Gulf of Maine, this workshop is the first in a series of technology transfer programs designed to allow for cooperative research and management of different issues in Gulf waters.

Topics to be discussed during the workshop will include:

- * Nature and scale of the risks to the environment from cage culture;
- * Role of monitoring, including parameters to be monitored and interpretation of data generated by monitoring programs;
- * Research, both ongoing and needed;
- * Lessons from cage culture in other areas such as Puget Sound, Norway and Scotland; and
- * Mechanisms for standardization of methodologies.

Presenters include:

Jon Boyce and Don Weitkamp, Parametrix, Inc., Seattle, Washington
Dave Wildish, DFO, St. Andrews, New Brunswick
John Kershaw, Department of Fisheries and Aquaculture, New Brunswick
Laurette Churchill, Department of Marine Resources, Maine
Chris Heinig, Interide Corporation, Harpswell, Maine

Tours of the Huntsman Marine Lab and of a nearby fish farm will be provided.

Dormitory style accommodations are available at the Huntsman Marine Laboratory's Anderson House for a cost of \$9.50 (Can) per night. Meals will be provided by the Anderson House at a cost of \$3.00 for breakfast, \$4.50 for lunch, and \$7.00 for dinner (Can). A seafood dinner will be held at the Anderson House on Thursday, March 1, at a slightly higher cost.

* * * * *

There is no registration fee for the workshop. However, space is limited. To reserve your place please mail, fax or phone in the following information by February 12 to:

Anne Johnson Hayden	OR	Jerry Choate
Maine State Planning Office		Department of the Environment
State House Station #38		P.O. Box 6000
Augusta, Maine 04333		Fredericton, New Brunswick E3B 5H1
Tel # 207-289-3261		Tel # 506-453-2669
Fax # 207-289-5756		Fax # 506-453-2893

NAME: _____
AFFILIATION: _____
ADDRESS: _____
CITY: _____
STATE: _____
ZIP: _____

Please reserve lodging at the Anderson House: Wednesday, February 28
 Thursday, March 1
 Friday, March 2

(Should you prefer to stay in a hotel, please make your own arrangements. The St. Andrews Motor Inn (506-529-4571) and the Shiretowm Inn (506-529-8877) are open in the off season.)

I am interested in: the tour of the Huntsman Marine Lab
 the tour of the fish farm

For further information please call either Anne Johnson Hayden or Jerry Choate.

** Please copy this announcement and forward it to anyone whom you think might be interested. **

COASTAL CLEANUP NETS NINE TONS OF DEBRIS

Maine's 1989 Coastal Cleanup drew 2,800 volunteers to the shore on September 23, where they collected more than 18,000 pounds of debris. Volunteers covered 176 miles of shoreline, picking up an average of 103 pounds of trash per mile.



In spite of Hurricane Hugo, more volunteers than ever participated in the annual Coastal Cleanup this year. Photo by Flis Schaufler.

attributed to the high seas that we had in the weeks and days preceding the cleanup. Some of the shore debris may have been carried back out to sea during that period."

The debris data were broken down according to coastal region, with the southern coast having the highest pounds-per-mile average. At 137 pounds per mile, the southern coast had significantly more debris than either the midcoast (105 lbs./mile) or the downeast region (73 lbs./mile). "The Southern coast definitely has more traffic, along its shores and in its coastal waters," Schaufler observes. "The greater amount of debris may also reflect the dominant shore habitats, though; debris tends to collect more along the sandy beaches and in the salt marshes that mark our southern coast than along the rocky shore that's prevalent downeast."

"One of the aspects of this year's cleanup that we found most encouraging," notes Schaufler, "was the number of children that participated. Last year, we had only half-a-dozen school classes and scout troops join in the clean up. This year, we had more than 25 scout troops and 30 school classes involved. It's a great experience for the kids, and a real contribution they can make to maintaining the health of our shores."

Maine's September cleanup was part of an international effort involving volunteers in three states and two provinces bordering the Gulf of Maine. Preliminary totals received from Massachusetts, New Hampshire, New Brunswick, and Nova Scotia indicate that 7,400 citizens turned out along the Gulf of Maine shoreline, from Cape Cod Bay to the Bay of Fundy.

Maine Fish and Wildlife — Winter 1989-90

-2-

A. COASTAL PERMIT APPLICATIONS

Southern District

Law/type	Applications Filed	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
----------	--------------------	--------------------------------	----------------	-------------------	----------------------

NRPA

Freshwater Wetland	2	0	0	0	1
Coastal Wetland	25	15	1	6	26
Sand Dune	14	18	3	7	11
Stream Alteration	8	3	0	0	8
Hydro	1	0	0	0	1
TOTAL	50	0	4	13	47

12

SITE

Schools	3	1	0	0	3
Shopping Center	1	2	1	0	0
Warehouse	2	0	0	0	2
Industrial Parks	3	0	0	0	3
Condos	2	2	1	0	1
Res. Subdivision	7	4	1	2	8
Site Other	4	8	0	0	4
SUB-TOTAL	22	17	3	2	21
TOTAL	72	53	7	15	68

-3-

B. COASTAL PERMIT APPLICATIONS

Central District

Law/type	Applications Filed	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
----------	--------------------	--------------------------------	----------------	-------------------	----------------------

NRPA

Great Ponds	0	2	0	0	0
Freshwater Wetland	3	1	0	0	3
Coastal Wetland	11	10	1	3	19
Stream Alteration	6	1	0	2	5
Bydro	0	1	0	0	0
TOTAL	20	15	1	5	27
SITE					
Condos	0	2	0	0	0
Mining	1	1	0	0	1
Airport	1	0	0	0	1
Industrial Parks	3	3	1	0	2
Res. Subdivision	2	2	0	0	2
Site Other	2	1	1	0	2
Shopping Ctr.	0	0	0	0	2
SUB-TOTAL	9	9	2	0	10
TOTAL	29	24	3	5	37

C. Permit Applications.

-4-

-5-

COASTAL PERMIT APPLICATIONS

Dormeast District

Law/Type	Applications Filed	Permits Issued with Conditions	Permits Denied	Permits Withdrawn	Applications Pending
NRPA					
Great Ponds	1	0	0	0	2
Freshwater Wetland	1	0	0	0	1
Coastal Wetland	16	8	1	1	18
Stream Alteration	9	5	1	0	8
Hydro	2	0	1	0	0
TOTAL	29	13	3	1	29
SITE					
Airport	1	0	0	0	1
Res. Subdivision	3	2	1	0	4
Other (Site)	3	1	0	0	3
SUB-TOTAL	7	3	1	0	8
TOTAL	36	16	4	1	37

III. Status of Consent Agreements and 80K Actions.

A. Consent Agreements Resolved.

SOUTHERN

None

CENTRAL

1. Edgecomb Inn, Edgecomb

A consent agreement was consummated by the Board on February 28, 1990, for building construction without Board approval. A civil penalty of \$700.00 was assessed.

DOWNEAST

1. Bangor Hydro Electric Company, Ellsworth

Bangor Hydro placed fill along 40-50 feet of shoreline of the Union River without first obtaining a permit. The fill was placed in conjunction with the repair of Gram Dam. Bangor Hydro signed a Consent Agreement which required them to get a permit or remove the fill and restore the site and pay a \$3000.00 monetary penalty.

2. The Cole Family Foundation, Bangor

The Cole Family Foundation placed fill and bulldozed adjacent to two streams in Bangor. The Foundation signed a Consent Agreement which requires them to get a permit or restore the site do temporary erosion and sedimentation control and pay a \$1500.00 monetary penalty.

3. Harold Smith, Orland

Harold Smith placed fill in a wetland adjacent to a stream. Harold Smith signed a Consent Agreement which requires him to remove the fill, stabilize the site and pay a monetary penalty of \$1,100.00.

4. Carl Snow, Bangor

Carl Snow placed fill along 400 feet of shoreline of a tributary to the Penobscot River. Carl Snow signed a Consent Agreement which requires him to remove all fill within 25 feet of the stream establish a buffer strip, apply for a permit and pay a \$1,000.00 monetary penalty.

B. Pending Consent Agreements.

SOUTHERN

1. Harbor Corporation, York, Site Location

2. Sunrise Trust, York, Site Location

3. Orchard Properties, York, Site Location

4. Ronald Ricci, Wells, NRPA (sand dune)

5. John Callaghan, Wells, NRPA (sand dune)

6. Kfoury-Weinschenk, Inc., Cape Elizabeth, Site Location

7. John P. Martin, Saco, NRPA (coastal wetland)

8. Richard Catir, Scarborough, NRPA (coastal wetland)

9. Town of Wells, NRPA (coastal wetland)

10. South Freeport Marine, Inc., Freeport, NRPA (coastal wetland)

11. General Marine Construction, Inc., Freeport, NRPA (coastal wetland)

12. Emmett J. Murphy, Amity Construction, Wells, NRPA (coastal wetland)

13. Nathaniel Smart, Kennebunkport, NRPA (stream alteration)

14. Norman Ruck Excavating and Paving Co., Inc., Kennebunkport, NRPA (stream alteration)

15. David Stilkey, Freeport, NRPA (stream alteration)

16. James Mulvihill, Kennebunkport, NRPA (sand dunes)

17. Richard Roy, Kennebunkport, NRPA (sand dunes)

18. Mike Vasile, Scarborough, NRPA (coastal wetland)

19. Alex Timpson, Georgetown, NRPA (coastal wetland)

20. Margaret DeWever, Eliot, Site Location

21. Land Bank, Inc., Scarborough, Site Location and Section 413

22. Maietta Construction, Inc., Scarborough, Site Location and Section 413

23. MacMillan Co. and Brilliant Developers, Inc., Brunswick, Site Location

24. Town of Kittery, Kittery, NRPA (coastal wetland)

25. Sherwood Excavation, Kittery, NRPA (coastal wetland)

NORTHERN

1. Steele Construction & M.E. Astbury, Ellsworth, NRPA (stream alteration)

2. Acadia Village Resort, Ellsworth, NRPA (stream alteration)

3. George Allen, Ellsworth, NRPA (great pond)

4. Charles Foster, Ellsworth, NRPA (stream alteration)

5. Lawrence Stanley, Swans Island, NRPA (coastal wetland)

6. William & Nancy Kales, Bar Harbor, NRPA (stream alteration)

7. David Benson, Southwest Harbor, NRPA (stream alteration)

8. Steve LaFreniere, Ellsworth, NRPA (great pond)

9. 128 Recreational Associates, Sullivan, Site, NRPA, (great pond)

10. Sheldon Heartstone, Bangor, NRPA (stream alteration)

11. Donald Pelletier, Hampden, NRPA (stream alteration)

12. Edmund Gillespie, Southwest Harbor, Site Location

13. Joseph Staples, Swans Island, NRPA (coastal wetland)

14. Peter Mayo, Ellsworth, NRPA (stream alteration)

15. Harold MacQuinn, Inc., Bar Harbor, Site Location

16. Cape Aquarius, Ellsworth, Site Location

17. Richard & Catherine Maietta, Winterport, NRPA (stream alteration)

18. Queen City Associates, Bangor, NRPA (stream alteration)

19. James Awalt, Ellsworth, NRPA (stream alteration)

20. Richard Dorr, Milbridge, NRPA (coastal wetland)

21. John Maher, Pembroke, NRPA (coastal wetland)

22. Brown Brothers Trucking, Eddington, NRPA (freshwater wetland)

23. John McIntyre, Eddington, NRPA (freshwater wetland)

24. Edith Trapp, Deer Isle, NRPA (stream alteration)

26. Peter Ricker, Sorrento, NRPA (coastal wetland)

27. Look Construction, Jonesboro, NRPA (stream alteration)

28. Royce Geel, Jonesboro, NRPA (stream alteration)

29. Lawler & Fleming, Eastport, Site Location

30. Robert Wardwell & Sons, Orland, NRPA (stream alteration)

31. Steven LaFreniere, Sullivan, Site Location

CENTRAL

1. Orchard Park Associates, Farmingdale, NRPA (stream alteration)

2. Mill Cove Associates, Boothbay Harbor, NRPA (coastal wetland)

3. Spruce Point Inn, Boothbay Harbor, Site/NRPA (coastal wetland)

4. Howard House Lodging, Boothbay Harbor, NRPA (stream alteration)

5. Jack Mays, Chelsea, NRPA (stream alteration)

C. 80K Actions Resolved.

DOWNEAST

None

SOUTHERN

None.

CENTRAL

None.

D. Actions Pending.

DOWNEAST

None.

SOUTHERN

None

CENTRAL

None

III. Narrative of Significant Applications, Enforcement Activities, Problems, Issues and Accomplishments.

A. Applications.

1. City of Portland (Coastal Wetland)

The applicant proposes to demolish a 50' X 150' section of the existing pile supported Maine State Pier on Commercial Street in Portland to create a protected public landing for small recreational boats in Portland Harbor. A ramp and a 10' x 130' permanent float will be installed in the embayment created by removing a section of the pier. The embayment is part of a larger project to create a public waterfront park on the Maine State Pier. A decision on the project is expected in May.

2. Alan H. Swanson, Wells, (Sand Dune)

The applicant proposes to build a 20' X 28' wood frame addition to an existing 12' X 28' shop/storage building on his lot on Ocean Avenue in Wells. The existing building will remain as is, with a slab foundation. The addition will have a poured reinforced concrete frost wall with footing. The frost wall foundation will have four 2.25' X 3' openings to allow flood waters and sand to move freely beneath the addition. The proposed addition will serve as guest quarters for the existing seasonal cottage.

3. Cronin, Rockport (Coastal Wetland)

The applicant proposes to place riprap and fill in the intertidal zone in Rockport Harbor, Maine. The project is a revised submittal of an earlier proposal to place a retaining wall along the applicant's shoreline, which was denied by the Board of Environmental Protection. The proposal would involve fill in a low value upper-intertidal zone along the length of the applicant's shoreline. The stated purpose of the project is erosion control. The project will be recommended for denial unless the applicant revises the plan to move all riprap out of the intertidal zone. No evidence of shoreline erosion due to wave action was seen during a site visit with a biologist from the Maine Department of Marine Resources.

4. Arnold Katz, dba Yachtsman Marina, Kennebunkport (Coastal Wetland)

The applicant proposes to maintenance dredge an existing anchorage, install fueling facilities, and construct piers as part of an expansion of an existing marina in Kennebunkport, Maine. The U.S. Coast Guard currently uses this site to dock several boats. Dredging will have usual short and long term impacts on the subtidal habitat. Construction of the piers and floats will be within the

6. Northeastern Simon, Inc., Augusta

Federal Harbor Channel. Increase in navigational use of an already crowded harbor is expected. Dredged material has been analyzed and shows no pollutants exceeding the standards of the Solid Waste Management Guidelines for filling. Ocean dumping at the Cape Arundel Army Corps dumpsite is proposed. Review comments have been solicited from the Maine Department of Marine Resources, and the DMR's Division of Environmental Evaluation and Lakes Studies, among others. Approval is likely if the local harbormaster indicates no navigational concerns, and the marine biologists sign off on the dredge spoils disposal.

5. Alan Graves, Portland (dba Yacht Haven)

Alan Graves has proposed a marina to include 260 boat slips and a 40,000 square foot boat rack storage building to house an additional 400 boats. The boat storage building was proposed over intertidal soft bottom habitat. The project includes 2.75 acres of dredging, 53,300 square feet of intertidal and 61,400 square feet of subtidal habitat. Parking areas and an office building are to be constructed adjacent to the marina. Issues include the proposed storage building being located over the intertidal zone (not a marine DEPENDENT use), and dredging 53,300 square feet of intertidal habitat. The applicant has subsequently withdrawn the proposed storage building. The Maine Department of Marine Resources, the Maine Audubon Society, and the Friends of Casco Bay have all expressed concern regarding the loss of a large area of intertidal habitat. The project will be presented for review by the State's Board of Environmental Protection in May.

6. George Friou, Friendship

The applicant proposes to construct a 12' x 30' addition onto an existing 48' x 12' wharf in Friendship, Maine. The wharf addition will extend approximately 30' beyond the low water line and will require a lease from the Bureau of Public Lands. The purpose of the addition is to access deep water so the applicant can moor his boat during low tides. The applicant has been asked to provide further justification for the addition by providing more information regarding the depth of water at the end of his existing wharf and the draft he requires for his boat. He has also been asked to reduce the width of the addition to no greater than 6' to minimize the impact of the structure.

7. New Market Development Company, South Portland

This project is an 11 million dollar retail shopping center located behind the Maine Mall in South Portland. The project will occupy lots 1 and 2 of the previously approved Clarks Pond Commercial Subdivision. Lots 1 and 2 make up a total of 30 acres. The project will consist of two developments separated by Jackson Brook. The building size is 230,000 square feet with parking that will provide space for 1,309 cars. The applicant designed the project around some wetlands that are regulated by the Army Corps. No significant environmental issues were evident. A permit for this project was issued 2/21/90.

8. A.E.S. Harriman Cove, Inc., Bucksport

This project is a \$6 million dollar shopping center located across Rt. 27 from the Civic Center in Augusta. The project will consist of two separate building areas on a 100 acre parcel of land. The larger site will consist of a single building of 423,475 square feet with a 28 acre parking area that will provide space for 2,699 cars. The adjacent building area will have one building of 185,000 square feet and parking space for 966 cars. No significant environmental issues except for traffic have been identified.

9. A.E.S. Harriman Cove, Inc., Bucksport

The applicant proposes to develop a 180 M.W. co-generation power plant on the east bank of the Penobscot River just north of the Champion Papermill in Bucksport. The existing site of 14 acres is presently used for oil storage. Total cost of the project is 300 million dollars. The applicant proposes to sell electricity to Central Maine Power and will sell steam to the Champion Paper Mill next door. The project will consist of a large coal storage building, a boiler building, separate steam generator and other smaller accessing buildings. Coal will be brought to the site by river barge from out of state. Coal ash will be barged out of state for disposal. This project will require licensing from the Air Bureau and a license under the NRPA for alterations of the docking facility and the installation of intake and outfall pipes.

10. Stonegate Associates, Cape Elizabeth

This project is an expansion of an existing approved residential subdivision in the Town of Cape Elizabeth. The expansion will provide for 22 additional lots and will cost \$590,000. The site is serviced by public water, but onsite sewage disposal will be utilized. The area is surrounded by a lot of wetlands which are being preserved through easements. No environmental impacts have yet been identified.

11. Summer Harbor, Gouldsboro

The applicant proposes to develop a single family residential subdivision consisting of 17 house lots, 2700 linear feet of roadways, and 8 acres of common area on a 43.8 acre parcel. The project site is located off Route 186 in Gouldsboro. The parcel proposed for development has shore frontage on Stave Island Harbor and Myrick Cove. One unnamed brook and numerous wetland areas exist on the site. The significant issues involved with this project are wastewater disposal, groundwater quality and quantity, and wetland impacts.

12. Bangor International Airport, Bangor

The applicant is requesting after-the-fact approval for all the construction activities that have occurred on the 1200 acre airport parcel since January 1, 1970. The activities on the parcel consist of expansion of airport facilities, construction of new commercial and industrial structures, and the addition of municipal buildings.

Also included are the demolition of old roadways, and the construction of new roadways and parking lots. The significant issues associated with this project are traffic, stormwater, groundwater quality, and visual impacts.

B. Major Enforcement Actions.

1. Town of Kittery and Sherwood Excavators, Kittery

In February 1990, the Portland Regional Office initiated consent agreement proceedings against the parties above for violations of the Natural Resource Protection Act. The Town authorized the placement of fill in a coastal wetland in conjunction with the installation of a sewer project. The area was filled by Sherwood Construction to create a temporary road. Fill was also placed on land adjacent to the coastal wetland in such a manner that the soil could wash into it. Neither party first obtained permits from the Department for this work. Remedial work in the agreement involves wetland restoration and restoration of original contours and revegetation of a 25 foot buffer strip adjacent to the marsh. Proposed penalties call for \$5,000.00 payment by each party.

C. Problems, Issues and Accomplishments.

One issue that is on the horizon and will have to be dealt with fairly soon by the Bureau is what to do with a subdivision which is completed but never received a Site Permit, and due to the location of the development cannot meet the standards in the law. There are three subdivisions in the Coastal Zone which the Department knows are in violation of the Site Law. The enforcement staff is pursuing its normal course of action. At this point in time it is unclear whether or not these subdivisions will be able to be permitted. The Bureau needs to develop a strategy to deal with these situations. How does the Bureau deter future violations and at the same time deal fairly with a lot owner who has invested a lot of money to build a home?

IV. Quarterly Report on Federal Consistency Review and Coordination Activities.

The following is a list of federal activities in the coastal zone, including a summary of significant projects and consistency reviews.

1. U.S. Army Corps of Engineers - Biddeford, Maine

- A. Dredging 16,000 cubic yards of material to establish a federal navigation channel leading to Biddeford Pool anchorage. The navigation channel will be 10 feet deep at mean low water (MLW), 100 feet wide and 4,200 feet long. Dredge spoils will be pumped through a pipeline to an inter-island sand bar, located between Stage Island and Basket Island. The spoils are predominantly coarse to fine grained sands, classified as Class I material according to the Maine State Planning Office document "Dredge Management Study for Maine, 1982". Class II material is eligible for disposal in open waters without the need for capping.
- B. The DEP issued a concurrence/certification after the project was modified, eliminating potential impacts to Class A marine wildlife habitat areas. The Maine Department of Inland Fisheries and Wildlife (IFW) commented that the offshore islands in the vicinity of the project contain colonial seabird nesting sites (Class A habitat). IFW recommended that the project activity not occur within 1/4 mile of any nesting site during nesting season, in order to avoid abandonment of the nest or nest failure. Nesting season typically occurs between April 1 through August 15 of any given year. By letter dated April 9, 1990, the Corps agreed to abide by IFW's recommendations.
- C. The application was received on December 21, 1989. The application was accepted for processing on January 10, 1990. On May 2, 1990 DEP issued a consistency concurrence and water quality certification for the project.

2. U.S. Army Corps of Engineers - Perkins Cove, Ogunquit, Maine

- A. The Corps proposed to dredge 19,700 cubic yards of material to increase the existing anchorage and access channel dimensions. Removal of the material would result in a channel, and a portion of the anchorage 7 feet deep, measured at MLW. Dredge spoil material was proposed to be disposed of at the Cape Arundel Offshore Disposal Area, located 3.4 nautical miles southeast of Kennebunkport, Maine.
- B. In March 1990, the Governor signed into law emergency legislation requiring additional information on dredging projects. The additional information included the sampling, testing and submission of test results within one year from the date of an application, as well as other details about the haul route (between dredge site and disposal area) and notices to municipalities on the project. The Corps provided test sample data that was collected and tested in 1986, more than 4 years prior to application.
- C. The application was received on March 26, 1990. On April 3, 1990, DEP notified the Corps of the requirement for additional information and denied the issuance of a consistency determination and denied the issuance of a water quality certification based on lack of information.

3. U.S. Army Corps of Engineers - Bass Harbor, Maine

- A. The Corps proposed to dredge 56,240 cubic yards of material from Bass Harbor. The dredging would create an entrance channel 80 feet wide and 8 feet deep at MLW, and create additional 5.8 acre anchorage. The project would eliminate 3.6 acres of intertidal marine habitat.

B. Material to be dredged was tested in 1985-87. Based on the new legislation requiring testing of dredge spoils to be conducted within one year from application, the application was deemed to be incomplete. Furthermore, the Corps was notified that mitigation would be needed for the loss of the intertidal habitat as a result of the project. The DEP wrote the Corps indicating the deficiencies and denying the issuance of a water quality certification (WQC) and consistency determination.

C. The application was received on April 2, 1990. On April 9, 1990 the DEP notified the Corps of the non-concurrence and denied the issuance of a WQC, based on lack of information.

4. Togus VA, Chelsea, Maine

 - A. The VA is constructing new buildings and rehabilitating existing structures at their Togus facility. The project requires approval from the state under the coastal zone management act core laws: the Site Location of Development Act and the Natural Resources Protection Act. The majority of the information has been reviewed and accepted, however, specific details concerning stormwater runoff an traffic regulation remain in doubt and deficient.
 - B. The application was received on December 9, 1988. From December 1988 through March 1990 DEP has notified the applicant on several occasions about specific deficiencies in the application. On March 20, 1990 the Department denied the issuance of a WQC and issued a non-concurrence with the project based on lack of information. A meeting was held on April 12, 1990 to resolve the deficiencies and both DEP and Togus are working together to finalize the application process. The application is expected to be acceptable for processing in May 1990, once the additional information has been submitted.

LIST OF FEDERAL CONSISTENCY REVIEWS

V. Charters in Statutes, Rules and Regulations.

1. On March 30, 1990, the Governor approved "An Act to Replace the Large Lot Exceptions under the Site Location of Development Law with a Low-density Exception. The previous exceptions for subdivisions containing lots of 5 or more and 10 or more acres encouraged subdivisions which consumed large areas of land. The new exception encourages clustered subdivisions which preserve a portion of the parcel of land in its natural undeveloped state, protected by a conservation easement. The act includes provisions requiring that significant wildlife habitat on the parcel be included in the area to be preserved, and requires that subdivisions in the watershed of a lake or pond classified GPA demonstrate compliance with phosphorus control guidelines adopted by the Board of Environmental Protection.

This act also includes a provision modifying the 40 acre lot exception in the site law to make it unusable within the shoreland zone, which is defined at 38 M.R.S.A. Section 482(4F) as "all area within 250 feet of the normal high-water line of any great pond, river or salt water body, or within 250 feet of the upland edge of a freshwater or coastal wetland," rather than as defined at Title 38 M.R.S.A. Section 435.

2. On March 15, 1990 the Governor approved "An Act to Exempt Residential Developments and Construction Noise from Noise Control Provisions." This act applies to projects under the Site Location of Development Law.

3. On February 14, 1990 the Governor approved "An act to Clarify the Traffic Movement Standards under the Site Location of Development Laws." This act requires that the Board of Environmental Protection shall consider the analysis of the Maine Department of Transportation when making determinations on traffic issues.

4. Three amendments to the Natural Resources Protection Act (NRPA) were adopted during the past legislative session. These were Public Law Chapters 656, 814 and 838 (copies attached). All three were emergency bills that became effective upon signing.

P.L. Ch. 656 adds requirements for coastal dredging projects. In particular, it requires that dredge spoils be tested within one year of the dredging and that public notice be published of the dredge spoil haul route, if offshore disposal is proposed.

P.L. Ch. 814 creates a General Permit category for Department of Transportation (D.O.T.) projects involving improvements to existing transportation facilities. The law includes performance standards that must be met along with a requirement that D.E.P. adopt rules to govern these projects by February 15, 1991. Prior to February 15th, D.E.P. and D.O.T. will operate under a Memorandum of Understanding.

P.L. Ch. 838 revises the forest management activities exemption for work in freshwater wetlands. The new language is limited to forested wetlands. It allows road construction associated with forestry provided D.E.P. standards under the Permit by Rule program are met. The law also requires restocking of harvested areas. It does not apply to any mapped significant wildlife habitat.

VI. Report on Shoreland Zoning Activities.

C2M Quarterly Report

The most significant action relating to the shoreland zoning program this quarter was the Board of Environmental Protection's adoption of the revised State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. These new Guidelines were accepted by the Board on February 24, 1990 and became effective on March 24, 1990, after being filed with the Secretary of State's office. The Board of Environmental Protection subsequently established December 31, 1991 as the deadline for Maine's 450+ municipalities to update their respective local ordinances, consistent with the new Guidelines. It is our hope, however, that most municipalities will complete their necessary revisions in the spring of 1991, well ahead of the December deadline.

The updated state guidelines include numerous changes and additions which we believe greatly improve the guideline ordinance. The new guidelines include standards for zoning adjacent to freshwater and coastal wetlands and adjacent to streams. Furthermore, the new guidelines contain three additional districts, including a Commercial Fisheries/Maritime Activities district. Updated land use standards include larger frontage and lot size requirements. The setback requirement remains at 75 feet on coastal areas, while being increased to 100 feet on great ponds and rivers flowing to great ponds. The buffer strip requirements were strengthened by eliminating the allowance for cleared openings toward the water and establishing a point system for determining a "well-distributed" stand of trees. This new point system will better ensure that the legislature's mandate of "no cleared openings to the water" is met and will provide better enforcement capability when that mandate is not adhered to.

In mid-April the shoreland zoning unit mailed to all of the municipalities a packet of information relating to the revised guidelines. The packet included a memorandum of explanation relating to the packet, copies of the revised guideline ordinance, and specific information relating to zoning requirements for lands adjacent to freshwater and coastal wetlands. Of particular importance were the maps and listings of moderate and high value wetlands which are to receive resource protection zoning.

The eleven regional council staffs each received a packet of the information supplied to the municipalities. In addition, the councils received a complete set of wetland maps and listings of shoreland ponds and rivers in their respective areas.

During this three month period, the shoreland zoning unit has concentrated its outreach efforts on informing municipalities and other interest groups of the new guidelines and the Department's schedule for adoption of those guidelines by municipalities. The unit is committed to holding initial workshops on the new guidelines and then holding monthly office hours in those regions where support for such hours exist. The unit has already conducted most of the general workshops and has begun the series of office hours. It is too early to determine if the office hours concept will be productive but after three initial sessions it appears as if the concept may not be as productive as initially hoped. Of the three sessions held, one session had no towns participating while at the other two sessions only three towns were present at one session and one at another. The shoreland zoning unit may cancel further office hours until the fall if participation does not significantly increase.

Workshops conducted during this three month period in cooperation with the regional councils include sessions in Lincoln, Dover-Foxcroft, Bangor, Newcastle, Fairfield, Rockland, Caribou, Auburn, and Machias. Other informational meetings were conducted for the Lincoln County Board of Realtors, the Mid-Coast Homebuilders Association, the Oxford County Soil and Water Conservation District, and the Maine Association of Land Surveyors. On-site technical assistance was provided to the towns of West Gardiner, Winslow and Vinalhaven.

In other matters the unit has worked closely with Dan Soule, the Department of Economic and Community Development's coordinator for the code enforcement officer training program. The month of May has been selected for the Department to participate in the certification program by presenting four one-day seminars on DEP laws and regulations which code enforcement officers should be aware of. The sessions will be held in South Portland, Auburn, Bangor and Presque Isle. Shoreland zoning issues will be the topic of discussion for half of the entire morning session.

The Shoreland Zoning Unit was involved in two other activities relating to outreach worthy of mention. First, in late February, the shoreland zoning coordinator participated in a radio talk show (WDEA-Ellsworth) regarding the new shoreland zoning guidelines. Secondly, the unit was involved in the Land Bureau's recently completed version of the Answer Book, a collection of questions and answers relating to Land Bureau rules and regulations for the development community. There are numerous shoreland zoning related questions and answers in that document.

The greatest problem facing the Shoreland Zoning Unit is lack of staffing. Due to the state's current budget problems, two of the unit's four staff were eliminated making it difficult to adequately respond to shoreland zoning complaints and to review variance applications as they come in to the Department. Few comments regarding variance requests have been provided to municipalities since staffing was decreased. As a consequence, the progress made toward proper variance decisions may well be reversed in a relatively short period of time. Furthermore, we have had to cut back on our newsletter publication because of the staffing shortage.

Regarding recommendations for legislative changes, the Shoreland Zoning Unit recommends the following:

1. Forested wetlands should be exempt from the definition of "freshwater wetlands" for the purposes of the Mandatory Shoreland Zoning Act. Forested ten-plus acre wetlands maps for the state are not available and municipalities should not be burdened with the task of mapping these areas. Furthermore, the determination of the boundaries of forested wetlands is difficult and can not readily be administered by local code enforcement officers not specifically trained in wetlands delineation techniques.
2. The definition of "stream" in Section 436-A should be reworded to clarify that a "stream" need not flow to a river as defined in order to meet the "stream" definition. A "stream" that flows to a great pond or to tidal waters is also intended to fall within the definition of "stream".

3. Under Section 437.6, Significant River Segments Identified, a typographical error in the listing for the Mattawamkeag River should be corrected to fit the actual geographical location of listed sections of the river.

4. In Sections 439-A(2) and 439(6), the terms high-water mark should be changed to high-water line to be consistent with the remainder of the statute.

5. Also under Section 439-A(5), Timber Harvesting, a provision should be added which will allow planning boards to permit timber harvesting operations to remove more than 40 percent of the volume of trees in a ten year period where good forest management practices warrant. This provision was inadvertently deleted during the most recent amendments to the Act.

6. Under Section 441.3, Code Enforcement Officers, the present law requires local code enforcement officers to submit annual reports on shoreland zoning activities to the D.E.P. The Department has not found this requirement to be extremely valuable, due in part to the limited response on the part of the municipalities and in part because of the lack of Department staff to analyze the incoming data. The Department recommends that the annual reporting requirement be changed to a biennial reporting requirement. If adopted, the Department will continue to receive data on a regular basis while reducing the workload and costs to municipalities.

DEP ISSUE PROFILE

Mandatory Shoreland Zoning Act



Mandatory Shoreland Zoning Act-4

However, if the complaint is against a town for failing to enforce or administer its shoreland zoning ordinance, you should phone DEP's Shoreland Zoning Coordinator at (207) 289-2111 or write to:

Shoreland Zoning Coordinator
Department of Environmental Protection
State House Station 17
Augusta, ME 04333

If you have difficulty contacting the town, contact DEP's Shoreland Zoning staff who will forward the information to the town and follow up on the situation.

What is the intent of the law?
The law's intent is (1) to protect water quality, wildlife habitat, wetlands, archaeological sites and historic resources, and commercial fishing and maritime industries; and (2) to conserve shore cover, public access, natural beauty, and open space. It does this through control of building sites, land uses, and placement of structures within the shoreline area.

三國志

How is the law implemented? Your local shoreland zoning ordinance and map serve to implement the law. To assist towns in developing these ordinances, the state has drafted a model containing the standards to be included.

Who adopts, administers, and enforces shoreland zoning ordinances and maps?
Municipalities are empowered to adopt, administer, and enforce a shoreland

zoning ordinance and map for their areas of jurisdiction.

The state's primary role, through the Department of Environmental Protection (DEP), is to provide technical assistance in the adoption, administration, and

If a municipality has not adopted its own shoreland zoning ordinance, the state will impose the model ordinance on it. Of the 450 organized municipalities with

What is the state's model ordinance?

As noted above, the state has developed a model ordinance that offers "minimum guidelines." Although it does not have the force of law in communities that have adopted a shoreline zoning ordinance, it is used by the state to determine whether a municipality has complied with the Mandatory Shoreland Zoning Act.

A municipality may achieve the intent and purpose of the model ordinance through other land use regulations. But for those communities that do not adopt their own ordinance, the state model will be imposed. Local ordinances may be more restrictive but less protective than the state model.

printed on recycled paper

100

Mandatory Shoreland Zoning Act 2

The new model ordinance, approved by the Board of Environmental Protection on February 14, 1990, divides the shoreland zone into six land use districts: resource protection, limited residential, limited commercial, General development, commercial fisheries/maritime activities, and stream protection. A land use table in the ordinance lists specific land use activities and indicates for each land use district whether that activity is prohibited, permitted without a formal permit, or permitted with a permit from the Code Enforcement Officer, the Planning Board, or the Local Plumbing Inspector.

What types of controls are contained in the model ordinance?

The model ordinance contains numerous standards for shoreland development activities including:

- minimum lot area and frontage
- structure setbacks
- clearing limitations
- timber harvesting limitations
- erosion and sedimentation control
- sewage disposal
- provisions for nonconforming uses

According to the ordinance, all land use activities -- even those that don't need a permit -- must comply with all the applicable land use standards described in the ordinance.

How has the law been changed by recent amendments?

The following significant additions to the law are included in recent amendments:

- the requirement for formal review and approval by the Board of Environmental Protection of all local shoreland zoning ordinances and amendments prior to their becoming effective
- the opportunity for the DEP Commissioner to comment on all variance requests prior to a municipality taking action on those requests
- the requirement that land within 250 feet of the upland edge of coastal and freshwater wetlands and land within 75 feet of certain streams be included in the shoreland zone (under the law, a stream is defined as a free-flowing body of water from the outlet of a great pond, or the confluence of two perennial streams as shown on the most recent USGS topographic map to the point where the body of water becomes a river)
- the requirement that the Board of Environmental Protection update the model shoreland zoning ordinance, including strengthening the clearing and timber harvesting standards

Mandatory Shoreland Zoning Act 3

Do certain provisions in the law override local ordinances?
Yes. The following specific provisions in the law override local ordinances if the language contained in those ordinances is less restrictive:

- All structures -- principal, accessory, temporary, or permanent -- must meet the water setback requirement, except structures requiring direct access to the water as an operational necessity, such as piers, docks, or retaining walls. A structure located next to the water for convenience does not meet the test of operational necessity.
- New principal structures, except hydropower facilities, on significant river segments listed under Title 38, Section 437, must be set back 125 feet from the normal high-water line and screened from the river.
- New roads in the shoreland zone of significant river segments, except those providing access to permitted structures, are not permitted unless no alternative exists. When no alternative exists, they must be set back as far as practicable and screened from the river.
- New gravel pits in the shoreland zone of significant river segments are not permitted unless no alternative exists. If no alternative exists, they can be no closer than 75 feet and must be screened from the river.
- Municipalities must appoint or reappoint a Code Enforcement Officer by July 1 of each year.
- Public utilities cannot hook up to a new structure in the shoreland zone without written authorization from local officials.
- Substantial expansions of principal and accessory structures within the shoreland zone must meet the water setback requirements. A substantial expansion is one that increases either the volume or floor area by 30% or more. Structures located less than the required setback from the normal high-water line may not be expanded toward the water.
- Amendments to ordinances adopted under the Mandatory Shoreland Zoning Act are not effective until approved by the Board of Environmental Protection.
 - Applications for variances must be forwarded to DEP at least 20 days before a decision is made by the Board of Appeals.

What should I do if I suspect a shoreland zoning violation?

The provisions of a municipal shoreland zoning ordinance are enforced by the municipality. If you suspect a violation, contact the Code Enforcement Officer of the town where the alleged violation has occurred.



Office of Comprehensive Planning
Office of Community Development
Maine Department of Economic & Community Development

MARCH 1990

Affordable Housing Alliance Underway!

Communities which are presently revising their comprehensive plans have the opportunity to fully address shoreland zoning issues in their local plans. To be fully enforceable, it is very important that provisions in shoreland zoning or other local land use ordinances do not conflict with policies in the local comprehensive plan.

The Board of Environmental Protection will be determining shortly when all communities must comply with the new Shoreland Zoning Guidelines [■].

A number of communities have combined their local shoreland zoning and town-wide zoning into one local ordinance. The Office of Comprehensive Planning is working with DEP to identify ways to assist

housing organizations that work technological innovations to reduce housing costs.

- Providing technical assistance to municipalities and developing a clearinghouse of information about national and state resources, creative financing techniques, local regulation issues, successful community affordable housing initiatives and technical innovations to reduce housing costs.

The Affordable Housing Bond Issue specified that the \$6.5 million allocated to DECD, would offer the following programs:

□ MUNICIPAL REVOLVING LOAN FUND - \$4,000,000

This fund will be used to provide low-interest loans and grants to municipalities for public service infrastructure improvements for the development of affordable housing.

□ MUNICIPAL LAND ACQUISITION REVOLVING FUND - \$500,000

This fund will be used to provide low-interest loans to municipalities for the acquisition of land for affordable housing.

Continued on Page 3, Col. 3

APPENDIX E-3

This Month's Contents

Tier I Planning Grant Deadline

Time is growing short for Tier I towns which have not submitted to the Office of Comprehensive Planning a completed application or executed contracts for the comprehensive planning grant. Those towns (Round 1 and Round 2) may lose their planning grants and be left to complete their comprehensive plans without state financial support. The Planning Grant funds appropriated for Tier I towns will lapse and be unavailable.

Continued on Page 2, Col. 2

BULK RATE U.S. POSTAGE PAID PERMIT NO. 8 AUGUSTA, MAINE 04330

Address Correction Requested

BOB BLAKESLEY
SPO
STATION 38

NEXUS

Shoreland Zoning Guidelines

The Maine Board of Environmental Protection recently adopted revised Guidelines for Municipal Shoreland Zoning Ordinances.

The previous shoreland zoning guidelines had not been significantly revised since first being developed sixteen years ago. The new revisions were prepared by staff at the DEP in response to requests not only from communities concerned with shoreland development and water

municipalities with integrating their shoreland zoning and town-wide ordinances.

Communities which are presently revising their comprehensive plans have the opportunity to fully address shoreland zoning issues in their local plans. To be fully enforceable, it is very important that provisions in shoreland zoning or other local land use ordinances do not conflict with policies in the local comprehensive plan.

The Board of Environmental Protection will be determining shortly when all communities must comply with the new Shoreland Zoning Guidelines [■].

BUDGET AXE MISSES GROWTH MANAGEMENT (SO FAR)

The financial constraints facing state government have not signaled an abandonment of Maine's Growth Management Program or a relaxation of the commitments that were made when the program was enacted in 1988. The Governor's budget balancing legislation proposes that \$100,000 come from the Municipal Planning Grant program, reducing the amount available for Tier II municipalities this July to \$12.2 million. However,

The Appropriations Committee has held a hearing on these budget proposals affecting the Growth Management Program. Early indications are that strong support continues to exist for the Growth Management Program and the commitments made to financially and technically support local comprehensive planning and land use management [■].

Office of Comprehensive Planning
Office of Community Development
Department of Economic & Community Development
State House Station 130
Augusta, Maine 04333

**N
E
X
U
S**

Office of Comprehensive Planning
Office of Community Development
Maine Department of Economic & Community Development
APRIL 1990

Phase II CDBG Invitations

OCD Invites 20 Communities into CDBG Phase II

The Office of Community Development extended invitations to twenty Maine communities to enter Phase II of the 1990 CDBG Community Revitalization process. Phase II involves the verification of federal requirements and the completion of a detailed plan of action. Those communities that successfully complete Phase II will proceed to Phase III - Project Implementation - and receive funding.

Brief Descriptions of the proposed projects are:

Allagash - Housing rehabilitation and road reconstruction.

Appleton - Construction of a salt-sand shed and fire station.

Bethel - Major infrastructure improvements to allow for development of an affordable housing project and replacement of sidewalks after construction.

Brooksville - Housing rehabilitation, renovations to its community center and construction of library and fire station.

Calais - Infrastructure improvements, Caribou - Housing rehabilitation, infrastructure improvements and renovations at the Caribou Learning Center.

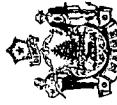
New Sweden - Housing rehabilitation and road reconstruction.

STATE GIS EFFORT UNDERWAY

The State's new Geographic Information System (GIS) is underway; Dan Waters has been hired by the Department of Conservation to coordinate the system.

GIS is computer based information sorted by geographic location. The simplest product is a map, for example, showing roads, aquifers, or soil types. However, GIS can do more than draw maps. The usefulness of a GIS is limited only by the amount and accuracy of the data that is entered into it.

Continued on Page 4



NEXUS

CEO Training Workshops

Nearly 20 municipal Code Enforcement Officers have signed up to participate in a series of workshops dealing with Shoreland Zoning and other environmental issues. The programs will be held at Southern Maine, Central Maine, Eastern Maine, and Northern Maine Technical Colleges during the month of May.

Dan Soul, coordinator of the CEO program, has been working with Rich Baker and Mike Mullin of the DEP Land Bureau in developing the workshops. Personnel from DEP Regional offices as well as Augusta will be the major presenters. The program will help the local CEO define his/her role in state and local land use regulation as well as develop a working relationship with DEP.

An additional series of workshops on enforcement of land use regulations is scheduled for June. These sessions will focus on the CEO's jurisdiction and authority in enforcement procedures.

OCP, in coordination with other agencies and institutions, will be developing and presenting further workshops and courses on various areas of interest to local CEOs. Introduction to topics such as Environmental Issues, Shoreland and other zoning, plumbing, electrical, and building inspection, safety codes, and enforcement techniques will make up the training for the basic Level One Certification Program.

More in-depth courses will be provided on a continuing schedule to enable Code Officers to meet the statutory requirements of recertification.

To date, nearly 300 local Plumbing Inspectors and CEOs have attended a series of 13 evening sessions on plumbing rules and state certification of local officials. These

meetings were held throughout the state, from Wells to Madawaska, and from Norway to East Machias.

It is OCP's intention to make all CEO training programs as easily available as possible to municipal officials. Anyone wishing further information on the Training and Certification Program may contact Dan Soule at 289-6800 or 789-7303.

New Faces, New Roles at OCD & OCP

The Office of Community Development has recently welcomed a new CDBG Program Manager, a Financial Representative and two new Community Development Representatives.

Margaret Marshall, has joined OCD as the Program Manager for State Initiatives which include the Community Industrial Building Program, Job Opportunity Zones, and Tax Increment financing. She is also the State Homeless Contact for the Federal McKinney Funding and the National Interagency Council on the Homeless and serves as the Chair for the State of Maine Interagency Task Force on Homelessness and Housing Opportunities. Margaret comes to the department with a background of experience in economic development and social services. She most recently spent three years as the Deputy Director at the Maine State Division of Community Services.

Peter Lyford, CDBG Program Manager, Peter was selected to fill this position that was left vacant when Leonard Dow became Deputy Commissioner for Community Development last fall. Peter joined the State Planning Office as a Community Development Specialist in March 1987 and he was among the original staff when the Department of Economic and Community Development was formed in October 1987.

Diane Thibault, Community Development Financial Representative, Diane joined the state CDBG program after six years of experience with community and economic development in the cities of Lewiston and Auburn. Most recently, Diane worked for the Lewiston Community Development Department where she did financial monitoring and technical assistance for the city's CDBG Enrollment Program.

Michael Dugay, Community Development Representative, Mike came to the CDBG program from the Greater Portland Council of Governments where he was a Transportation Researcher. While at the Portsmouth Planning Department and N.H. Committee Services where he evaluated alternatives for solid waste management and recycling.

Michael Barth, Community Development Representative, Mike worked with the Office of Community Services for five years before joining the CDBG program. He monitored local weatherization, housing and heating system programs. Prior to his work at OCS, Mike supervised the weatherization and housing staff for Androscoggin Valley Community Action.

Municipal officials should also take note of a number of staff changes which have taken place at the Office of Comprehensive Planning.

Henry Nichols, who has been with the Office as a planner and town representative since June of 1985, has been promoted to Senior Planner with the primary responsibility of coordinating the municipal planning grant and technical assistance program. Henry is the person you should call with questions regarding planning grants or the Guidelines for Growth Management.

Steve Sizemore and Josie Quintill, both Senior Planners with the Office, have assumed new duties. Steve will be coordinating the Office's implementation programs, including implementation grants, model ordinances, technical assistance on the state subdivision law and mobile home park law, and the Municipal Legal Defense Fund. Josie will manage the review and certification program. Beginning July, some Tier I municipalities will be submitting their comprehensive plans to the Office for review and comment. Josie will be working to coordinate the review in the office as well as among other state agencies.

Monique "Nicky" Cloutier is the voice you will probably hear when you call either the Office of Community Development or the Office of Comprehensive Planning. She has joined the staff as office receptionist.

NEXUS

This Month's Contents

- | | |
|-------------------------|--------------|
| 1. CDBG Phase II | Page 1 |
| 2. GIS | Page 1 |
| 3. CEO Training | Page 2 |
| 4. OCD Staff | Page 2 |
| 5. Earth Day | Page 3 |
| 6. The Rules | Page 3 |
| 7. Citizens Guide | Page 4 |

QUARTERLY REPORTS FROM COASTAL COORDINATORS

Southern Maine Regional Planning Commission's Third Quarter Report - Coastal Section. This report covers work performed between 2/1/90 and 4/1/90.

The report is divided into three sections: 1) community summaries, 2) regionwide activities, and 3) interlocal demonstration project.

1) COMMUNITY SUMMARIES

Arundel

This quarter SMRPC continued to provide assistance to Arundel through its representatives on the Kennebunk River Committee. Assistance to the river committee included work on an interlocal agreement (refer to the interlocal project report in section 3), and the tabulation and analysis of questionnaire on public access and water dependent uses (enclosed). The comprehensive plan has progressed slowly this quarter and work on the marine resources section has not begun yet.

Biddeford

The coastal coordinator met this quarter with Biddeford's new mayor and members of the City Council and planning staff to discuss potential waterfront projects, harbor planning, and joint Biddeford/Saco Harbor planning options. Assistance was also provided to the City Planner on preparation of a coastal planning grant application to do a harbor plan. This project was subsequently recommended for funding by the state and assistance has also been provided on the preparation of a request for proposals for the project. The coastal coordinator has also kept in touch with the new Biddeford Harbor Commission, and one of the commission members serves on SMRPC's regional berthing study advisory committee.

4.1

Eliot The coastal coordinator met with Eliot officials on several occasions this quarter to discuss the town's application for a coastal planning grant to do a harbor plan and subsequently drafted an application for the town. The selectmen, however, ended up voting not to submit a harbor plan application and instead submitted an application for a smaller project dealing with a riverfront park. This last minute switch was not recommended by SMRPC. The town may choose to submit the harbor plan application next year. Assistance was also provided to Planning Board members on mooring regulations. The coastal coordinator has discussed the new shoreland zoning guidelines with Planning Board members and the town will probably seek SMRPC's assistance with revisions this fall. Assistance on the comprehensive plan is scheduled for the fourth quarter.

Kennebunk

Assistance to Kennebunk and the Kennebunk River Committee this quarter included drafting a coastal planning grant application, work on the interlocal agreement with Arundel and Kennebunkport (see interlocal demonstration project report) and analysis of a short questionnaire on public access and water dependent uses (enclosed). Recently the town asked the coastal coordinator to prepare (or at least research the potential for) a proposal for the Land for Maine's Future Board to purchase a unique tract of land on the lower Kennebunk River that may soon be on the market. This project will be pursued during the fourth quarter. Kennebunk's Comprehensive Plan is still early on in the process; the planning committee will be working with the Kennebunk River Committee on the marine resources section and will seek assistance from the coastal coordinator as needed. Kennebunk has informally requested SMRPC's assistance with shoreland zoning revisions; this will probably start in the fourth quarter.

Kennebunkport

Assistance was provided on the town's waterfront action grant application and to Kennebunkport through the Kennebunk River Committee (see discussion under Kennebunk or Arundel). The comprehensive plan is progressing very slowly as Kennebunkport is a "tier two" community and has not yet received any funding from the state. However, the planning committee has recently set up a series of workshops to discuss each chapter of the plan and the coastal coordination is presently assisting the committee chairman prepare for the marine resources workshop. Regarding shoreland zoning, Kennebunkport has already adopted (at the March, 1990 Town Meeting) the new shoreland zoning provisions contained in the shoreland zoning statute passed by the legislature last year. Any plans for upgrading the provisions to include the additional standards in the new guidelines have not yet been expressed.

Kittery Assistance on understanding the new shoreland guidelines was provided to the town planner this quarter. Kittery's new draft unified development code includes many of the new minimum provisions so it is anticipated that relatively little effort will be required to bring the town into compliance.

Ogunquit

This quarter the coastal coordinator reviewed coastal sections of Ogunquit's 1987 comprehensive plan and provided written suggestions for strengthening and improving the plan. Assistance was also provided orally to the chairman of the planning committee and the staff liaison to the committee. The committee is just now starting to upgrade the 1987 plan to bring it into compliance with the new comprehensive planning legislation.

Old Orchard Beach

No assistance was provided to Old Orchard Beach this quarter, other than preliminary discussions on the new shoreland zoning guidelines.

Saco

Efforts to organize a joint harbor commission with Biddeford are ongoing; little headway was made this quarter but the City Planner recently indicated it is still an important issue on his agenda and interest may be renewed as the boating season nears. Initial assistance on understanding the new shoreland zoning guidelines was provided.

South Berwick

This quarter assistance was provided on a land acquisition project along the Salmon Falls River. The coastal coordinator researched a variety of funding sources for acquiring or protecting some land adjacent to the state park which is currently on the market. Initial shoreland zoning contact was made.

Wells

The coastal coordinator met with the Wells Harbor Advisory Committee on several occasions this quarter and drafted an application for a coastal planning grant to do a comprehensive harbor management plan. If funded, this plan will hopefully provide an opportunity for true consensus building in terms of harbor use and the balance of environmental and working waterfront concerns. The comprehensive planning process is moving slowly at present due to profound disagreements among committee members on many issues. Nevertheless, SMRPC provided the committee with information on implementation strategies for the coastal section and written comments on the present draft of the plan will be provided during the fourth quarter.

York The coastal coordinator provided the comprehensive planning committee with material on marine resources (including implementation strategies) and assisted the town's consultant on a separate coastal project (wharf feasibility study). Initial contact on the new shoreland zoning guidelines was made this quarter.

2) REGION-WIDE ACTIVITIES

Regional Berthing Study

A draft of the recreational boating section of the berthing study has been completed and reviewed by an advisory group comprised of harbor masters, harbor commissioners, fishermen, a marina owner, and planning committee members. A copy of this draft is enclosed. The commercial fishing section is currently in preparation. One of the purposes of this study is to assess the pressures on the commercial fishing facilities region-wide and recommend policies for their protection. Additionally the study is looking at the regional significance of local harbor facilities such as piers, boatramps and mooring areas. This information will be used in local comprehensive plans and harbor plans. The advisory committee has requested that the study also address environmental issues. This request is presently under consideration.

Shoreland Zoning

As the Board of Environmental Protection recently adopted the new shoreland zoning guidelines, work on shoreland zoning began this quarter. An introductory workshop in a central coastal community and two "in-depth" clinics have been scheduled along the coast in May. Refer to the shoreland zoning discussion in the General Fund section of this report for information on workshop attendees and handouts etc. The coastal coordinator is working closely with the training provided either through the workshop or individually to the following coastal communities: Eliot, Kittery, York, Ogunquit, Kennebunk, Saco, Biddeford and Old Orchard Beach. Efforts are currently being made to gauge exactly how much assistance communities will need over the next year or so.

Other Activities

The coastal coordinator attended all monthly training sessions at the Office of Comprehensive Planning and continued to publicize the coastal program and provide routine technical assistance through articles in the newsletter and regular communications with local officials.

May 10, 1990

TO: Marvin Rosenblum

FROM: Mathew H. Eddy *MHE*

SUBJECT: May Quarterly Quarterly Report
GPOCG Growth Management Contract

The following reflects work completed as part of our Growth Management Contract, Rider C. It is presented in the order of tasks as described in the contract.

- I. Introduction. The Coastal Coordinator remains Tammy Risser, while Mathew Eddy has replaced Kathleen Leyden as the Growth Management Coordinator. Coordinator's meetings continue to be reviewed with other staff.
- II. Coastal Program. The Coastal Program, in terms of the products identified as part of our contract, is drawing to a close. In the following, we will run through the status of these projects.

A. Local Implementation. Our work on the Casco Bay is going forward. In the attachments, you will find the following pieces of work:

1. Coastal Subregional Forum (please see GPOCG Regional Plan, Appendix 2. We have held a series of meetings, including our Coastal Subregional Forum, and have worked closely with the towns of Yarmouth, Freeport, and Brunswick in their comprehensive planning process. Per permission granted by Fran Ruddell, we have also been providing staff time to a working group of state, regional and local agencies, citizens groups and non-profit organizations on dealing with the educational aspects related to Casco Bay planning. The attachment related to a June 2 conference is included; however, the conference has been canceled to give time to DEP to develop their management plan as part of the National Estuary Program. In addition to the above meetings, please find a sample of the media attention we have been developing for our Casco Bay planning project.
2. Coordination with DEP. As part of the Casco Bay planning program, we have been working with DEP on a number of spin-off projects. CZM funding enabled us to put together a GIS mapping program for the Fore River Watershed. The project itself will now be funded by DEP and will provide the foundation of GIS mapping that will eventually cover the entire watershed for Casco Bay. This has been particularly timely because of the nomination of Casco Bay to the National Estuary Program.

In conjunction with the above, we have provided DEP officials with ideas related to the management plan that is required as part of the National Estuary program. In addition, we have provided them with an outline of our program and look forward

3) INTERLOCAL DEMONSTRATION PROJECT

The Kennebunk/Kennebunkport/Arundel interlocal agreement is progressing roughly on schedule. The draft forwarded to OCP with last quarter's report has been generally approved by the Kennebunk River Committee, but attorneys for each town are still working on language modifications. The selectmen from Kennebunk and Kennebunkport held a "summit" in early April that largely focused on river issues and the two boards agreed that the interlocal agreement was a good idea and should be finalized. As soon as the attorneys have finished their reviews, SMRPC will prepare a revised draft for consideration by the river committee and all three boards of selectmen. If the timing is right the agreement will then be presented to town meetings this summer. Otherwise it will be postponed until next spring. SMRPC is currently attempting to speed the process up by getting the attorneys from each town to discuss the draft together.

to being involved in the planning process (see attachment). Our particular focus in this program is providing the link between the local governments, citizens and the various state and federal agencies.

3. Inventory of Casco Bay Information. The focus of our work on Casco Bay, this year, was to identify all of the reports and information that are of some importance to the planning process. To do this, we have, in conjunction with Southern Kennebec Regional Council of Governments, reviewed all of the state agency reports for DEP, OCP, SPO and, to some extent, Marine Resources. While we are still compiling this information, we have included in the attachments the review of documents we have completed thus far. This information has already proven valuable in that we have been able to assist DEP in the development of an outline of data layers for the GIS mapping process.

4. Mapping. We have created two new maps that depict the ebb and flow of currents in Casco Bay; please see the Risser memo for a description.

5. Surveys. We are continuing our survey process of the remaining water dependent uses in Casco Bay (see our previous report on the survey for the greater Portland area). In the attachments, we have included the blank survey and a list of the individuals we have contacted. Because of funding constraints, we will not complete the analysis of this survey until the beginning of the next fiscal year.

B. Shoreland Zoning. With the finalization of the Shoreland zoning law, we have begun, in earnest, the assistance to our municipalities to come into compliance with the new law. Materials, provided by OCP, have been distributed. The Coordinator has or will speak directly with the towns of New Gloucester, Yarmouth, and Freeport. A workshop has been scheduled for May 14; that material is attached.

C. Interlocal Project. Completed; see previous report.

III. Growth Management

A. Shoreland Zoning (see above).

B. Special Issue Workshops. During this period, we held a special issue workshop on developing policy in the comprehensive planning process. this included an explanation of the draft rules, how to use data in policy development and essentially included the introduction of the third chapter of our Growth Management Manual: Comprehensive Planning. These materials were mailed to your office previously.

C. Subdivision Review Workshops - Spring. Please see enclosed materials for the second spring workshop. Since breaking off our alliance with USM, we have found that our attendance is way up. We also permit selective attendance, which has also created new interest.

The Greater Portland Council of Governments presents a workshop on **STATE SHORELAND ZONING GUIDELINES**

Monday, May 14th, 1990

7p.m. to 9p.m.

large conference room

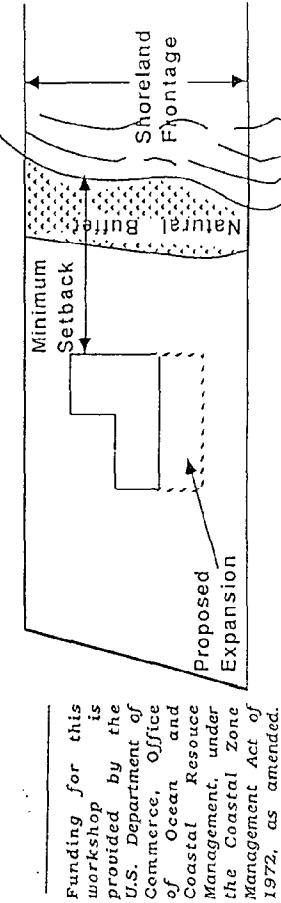
Greater Portland Council of Governments

Copies of the revised *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* have been sent out to all municipalities subject to shoreland zoning. Several significant changes have been incorporated into the new Guidelines. Municipalities will need to use the Guidelines to revise local shoreland zoning ordinances, and comprehensive planning committees will need to consider shoreland management during the comprehensive planning process.

The Board of Environmental Protection will most likely require ordinances to be updated by December 31, 1991. Although this may sound like a far and distant date, it is important that towns and cities begin to think about making revisions now, as changes will need to go to town meeting and will then need to be approved by the Board of Environmental Protection.

At this workshop, Dan Prichard, one of DEP's shoreland zoning administrators, will review the new Guidelines and answer any questions persons may have regarding the changes and general ordinance administration.

If you have any questions, please contact Tamara Risser at 774-9891.



Funding for this workshop is provided by the U.S. Department of Commerce, Office of Ocean and Coastal Resource Management, under the Coastal Zone Management Act of 1972, as amended.

This workshop is free to municipal officials from GPCOG communities. There will be a \$15.00 fee for all others.

SOUTHERN KENNEBEC/SOUTHERN MID-COAST

COASTAL CONTRACT

TASK A.1. Local Implementation of Coastal Policies

COASTAL CONTRACT

Task A.1. (continued)

Phippsburg:

1. We will be assisting the comprehensive planning committee in developing policies for: improving and maintaining water quality for shellfish beds; interlocal cooperation for shellfish harvesting; management of the numerous, small harbors for commercial and recreational interests.

2. Provided the comprehensive planning committee with the DEP list of underground storage tanks within the Town and related management strategy. This information was in regards to protecting the quality of aquifers for water supply, as identified by the committee (see TASK A.3.).

3. We will be assisting them in drafting performance standards in the subdivision regulations for the protection and maintenance of the scenic character of the coast (see TASK A.3.).

4. Met with the Planning Board February 6, 1990 and 1) provided assistance in revising the local subdivision regulations and 2) initiated the interlocal development review project (see TASK C.).

4.4

West Bath:

1. We will provide the natural resources comprehensive planning sub-committee with the DEP list of underground storage tanks within the Town and related management strategy. This information is in regards to restoring and maintaining water quality and shellfish beds, as identified by the subcommittee (see TASK A.3.).
2. Will schedule a meeting with the planning board to initiate the interlocal development review project (see TASK C.).
3. We will be assisting the natural resources comprehensive planning sub-committee in developing policies for the protection of marine resources, water quality, and public access, as identified by the committee.

Woolwich:

1. Provided the comprehensive planning committee and consultant with information on local fish and wildlife habitats and the Town's relationship with Merrymeeting Bay.
2. We will be assisting the comprehensive planning committee and consultant in developing policies for the protection of intertidal habitats, as identified by the committee.

Richmond:

1. We will be assisting the comprehensive planning chair and consultant in developing policies for water quality protection and harbor management. A recent increase in recreational boating has been identified in the draft of the marine resources section of the comprehensive plan.

Tops本身的:

1. Collected basic data and maps in preparation for the marine resources section of the Town's comprehensive plan.

1. We will be assisting the comprehensive planning committee and consultant in developing policies for the improvement of water quality for recreational use and protection of aquifers, as identified by the committee.

COASTAL CONTRACT

TASK A.3. General Technical Assistance

Phippsburg:

1. Provided the comprehensive planning committee with the local DEP list of underground storage tanks and related management strategy. This information was in regards to protecting the quality of aquifers for water-supply, as identified by the committee.
2. Provided the planning board with information on impact fees for small coastal communities.
3. We will be assisting the planning board in developing performance standards to maintain the scenic character of the coastline.

West Bath:

We will provide the natural resources comprehensive planning sub-committee with the local DEP list of underground storage tanks and related DEP management strategy. This information is in regards to restoring and maintaining water quality and shellfish beds, as identified by the subcommittee.

4. On

Woolwich:

Provided the comprehensive planning committee and consultant with information on its fish and wildlife habitat areas and local impact on Merrymeeting Bay.

COASTAL CONTRACT

TASK A.4. Assistance with Coastal Planning and Waterfront Action Grants

West Bath:

Planning Grant

Conducted a site visit 2/20/90 with the chair of the natural resources comprehensive planning sub-committee for initiating the application process for improving the town landing.

Georgetown: Waterfront Action Grant

Conducted a site visit 2/9/90 with OCP staff and the Town-Owned Property Management Board for completing the application for the Five Islands Fishermen's Wharf. Provided floodplain permit and economic information pertinent to the application.

Harpswell:

Assisted the Selectman and OCP staff in initiating a harbor management and planning process. A harbor management and planning Committee has been formed and applying for a Coastal Planning Grant for 1991 has been tentatively scheduled.

Chelsea:

Corresponded with the Town Manager regarding the application process for the town-owned Butternut Park public boat ramp.

Augusta:

Conducted a site visit with the City Planner and OCP staff for completing the application for their waterfront park.

COASTAL CONTRACT

COASTAL CONTRACT

TASK A.5. Monthly Meetings/Training Sessions Attended by SRP&DC/SNCCOG Coastal Coordinator with OCP Coastal Program Staff F

February 27, 1990
No meeting held in March
April 24, 1990

- 4.6
1. The State adopted the revised Guidelines for Municipal Shoreland Zoning Ordinances March 24, 1990. Under General TASK A.1., we held two general workshops on the revised Guidelines in March and will be holding two Clinics in May on updating town ordinances, with the protection of water-dependent uses as a focus (see General Task A.1.).
 2. The adequacy of the City of Bath's water-dependent use zoning will now be assessed in the context of the revised Guidelines. This will be accomplished by corresponding with the Town CEO and Waterfront Committee.
 3. Current town ordinances will be evaluated for consistency with the revised Guidelines, focusing on water-dependent use zoning.
 4. We will be assisting communities in identifying appropriate waterfront areas for designation as water-dependent use districts and designing performance standards for activities allowed in such districts. Areas warranting protection were preliminarily identified in the second quarter from the SPO/OCP water-dependent use maps and Maine Manufacturing Directory of water-dependent businesses.

TASK C. Interlocal Demonstration Projects

Casco Bay Protection Plan

Efforts continued to focus on a natural resources inventory of the Bay, i.e., collecting relevant data from various agencies. Visited the DMR, Boothbay Harbor, February 7, 1990 and obtained relevant reports.

A waterfront business survey will be undertaken to 1) assess the economic status of the harbors and waterfront and 2) provide economic information for comprehensive approaches to harbor policy and coastal management. This will be done for Brunswick, West Bath, Phippsburg, and Harpswell in the Southern MidCoast Region.

Development Review Assistance

We met with the Phippsburg Planning Board February 6, 1990 and presented the project to them. It was initially decided to provide assistance in revising the local subdivision regulations. Will meet with the West Bath Planning Board to initiate the project, specifically to determine their needs in reviewing development proposals.

The legal framework for a regional planning council and council of governments assisting municipalities in development review was determined. In general, such activity is covered under the Maine Tort Claims Act.

Six Rivers, Twelve Towns, One Bay: Protection for Merrymeeting Bay

We assisted in producing the slideshow and videotape for Six Rivers, Twelve Towns, One Bay, a conference regarding Merrymeeting Bay on April 28, 1990. The conference focused on regional issues in comprehensive planning, specifically water quality protection. We provided technical information on nonpoint source pollution and water quality. Staff attended the Conference, spoke at the workshop on water quality and nonpoint source pollution, had a display table on regional planning, and will follow-up with individual towns based on attendance.

LINCOLN COUNTY
COASTAL ZONE MANAGEMENT CONTRACT
PROGRESS REPORT III - May 1, 1990

GENERAL TECHNICAL NEEDS

Summaries are enclosed by town. Copies of the technical assistance logs and letters are available from the Municipal Resource and Planning Office of Lincoln County files upon request.

INTERLOCAL DEMONSTRATION PROJECT

Interim progress report, letters to funding agencies, agendas, and minutes are enclosed.

LOCAL PLANNING GRANTS AND WATERFRONT ACTION GRANTS

Assisted South Bristol. See enclosed logs.

WORKSHOPS

"Conserving our Rural Character Through Creative Development", by Randall Arendt, March 6, 1990.

*Notice enclosed.

*Attendance list enclosed.

*Advertisements of workshop enclosed.

*Letters regarding workshop.

"Coastal Issues: Harbor and Waterfront Management", by Steve Oliverry, April 3, 1990.

*Notice of workshop enclosed.

*Attendance list enclosed.

"Water Quality Workshop - Phosphorus Control in Lake Watersheds and the Importance of Cooperation in Protecting and Managing Shared Resources", by Bob Pratt and Betsy Bass, April 23rd.

*Notice enclosed.

*Attendance list enclosed.

*Advertisements of workshop enclosed.

SHORELAND ZONING

"Revisions to the Model Shoreland Zoning Ordinance", by Rich Baker, March 27, 1990.

*Attendance list enclosed.

*Advertisement enclosed.

DEP "office hours" scheduled for assistance with Shoreland Zoning (see enclosed).

MUNICIPAL RESOURCE AND PLANNING OFFICE OF LINCOLN COUNTY

INTERLOCAL DEMONSTRATION PROJECT
Interim Progress Report

The Interlocal Demonstration Project was developed by this office to address the concerns of the 12 Lincoln County communities involved with the Damariscotta and Pemaquid watersheds. We have solicited and received nomination names from most of the 12 towns to form a committee to address the issues of the Damariscotta and Pemaquid watersheds. This is separate from, but not excluded from the Damariscotta and Pemaquid Lake Associations and the Damariscotta River Associations who have been vigorously involved in a multi-town project to conserve and preserve their precious lakes.

As in our initial document, we have facilitated workshops by Betsy Bass and Rich Baker. They have both attended to the needs of this committee. We have collected a series of Interlocal Agreements and documentation on the preservation of watersheds from the state and other states. We have mailed out an Interlocal Agreement and Interim Agreement to all of the towns recently; to date, we have not received any of them back. We have also held three meetings with the Interlocal Watershed Committee and started discussing policies related to these issues.

Through a grant, the Knox-Lincoln Soil and Conservation Service has done a great deal of the background data collection for the Damariscotta Lake interlocal agreement. This project was developed and written by this office. Funds were requested through the Department of Environmental Protection 205J program. Since those funds were not forthcoming, this office has rewritten the proposal, and has sent it out to approximately 12 private foundations (letters enclosed). As in our initial documentation in November, we did have our organizational meetings and workshops. Attempts were made to get the project going. Through December, less was accomplished because most of the towns were waiting to receive copies of the new Shoreland Zoning Act. Since late January or early February, we have held three meetings. At this point, the committee is actively working on the policies necessary for successful care of their watersheds within Lincoln County.

The plan which this committee developed is to work on policies during the spring and then take "homework assignments" home for the summer. Such assignments would be examined by individuals, and then brought back to the committee in the fall, when the committee "resumes session". The work responsibilities of the members and the decision on their projects have not yet been developed.

It is planned that during this spring they will address a series of policies and goal issues. The interlocal agreement will be then be signed by the towns. This will state that the towns will cooperatively work together to develop these policies which will eventually be implemented in their comprehensive plans. It is hoped that homework assignments will be developed for the Interlocal Watershed Committee for the summertime activity.

The towns to the western part of the county make up all the Tier I towns. Most have almost completed their plans, and are now in the implementation stage. They intend to form an Interlocal Watershed Committee to address the care of the Sheepscott River. These would include Dresden, Alna, Wiscasset, Edgecomb, Newcastle, and Westport. There has been another interlocal committee that has been set-up to look at septic. This office has been busy helping them. Towns included in this are Dresden, Alna, Edgecomb and Westport. They are trying to find a location in which a septic could be removed from their towns and disposed of in an appropriate fashion.

TECHNICAL ASSISTANCE

Technical Assistance for Fiscal Year 1990. All technical assistance occurred during the months of February, March and April.

Coastal Zone Management = CZM
Growth Management = GM
General Fund = GF

The towns to the western part of the county make up all the Tier I towns. Most have almost completed their plans, and are now in the implementation stage. They intend to form an Interlocal Watershed Committee to address the care of the Sheepscott River. These would include Dresden, Alna, Wiscasset, Edgecomb, Newcastle, and Westport. There has been another interlocal committee that has been set-up to look at septic. This office has been busy helping them. Towns included in this are Dresden, Alna, Edgecomb and Westport. They are trying to find a location in which a septic could be removed from their towns and disposed of in an appropriate fashion.

- GF 9. The Department of Environmental Protection called this office and wanted us to review the Bottle Cove Subdivision of Boothbay.
- EDGECOMB
- GF a. Attended meeting regarding septicage for the four towns involved in the interlocal agreement regarding a common disposal site. Agreed to provide help with data; contacted Steve Page, DEP, for this information.
- GM b. Read proposed Comprehensive Plan (draft), and found no large problems. I suggested improving the data tables.
- GF c. Correspondence with Hugh McIntyre, Chairman, Comprehensive Plan Committee, about the Community Development Block Grant in regards to fixing the leakage in the basement of the town hall.
- GF d. Correspondence with Peter Quinn, Chairman, Planning Board, about the Model Mobile Home Park Ordinance which this office prepared and corrected. Called Rich Rothe, Maine Tomorrow, for documentation of Section 95. Spend 1-2 hours daily for 2 weeks working with this project. (See attached Edgecomb Mobile Home Park Ordinance).
- GF e. Attended Planning Board meeting, explained this office's position in wanting to help the Lincoln County towns and their planning officials. Answered questions concerning ordinances and their development, provided Technical Assistance for road construction in a subdivision, and an explanation of the Community Development Block Grant.
- GF f. Correspondence with Peter Quinn, concerning questions and answers regarding the Edgecomb Mobile Home Park Ordinance which Edgecomb has prepared. Cleared up confusion of the Natural Resources Protection Act - Permit By Rule Standards. Discussed technical assistance program to evaluate a soil/water building; discussed road quality, legal standards and references.
- GF g. Forwarded materials to Peter Quinn regarding the used mobile home standards.
- GF h. Met with Hugh McIntyre in Edgecomb; reviewed Edgecomb's Comprehensive Plan policies and discussed other subjects of the Comprehensive Planning Process.
- GM i. Reviewed the completed draft copy of the Edgecomb Comprehensive Plan.
- GF j. Correspondence with Peter Quinn regarding Affordable Housing. Discussed the guidelines of affordable housing, national economics and government action.
- CZM k. Correspondence with Hugh McIntyre regarding Shoreland Zoning and distribution of materials on water uses. Discussed access.
- DAMARISCOTTA
- CZM a. Spoke with Nick Chasse regarding his involvement with their comprehensive plan. He feels that Damariscotta is well underway. They have completed their inventory, and are now starting their analysis section. They anticipate the completion of the analysis section this spring. They would like to break for the summer. Then start their policy development section in the fall. They will be revising their Shoreland Zoning Ordinance at this time also.
- CZM b. Went to Damariscotta and gave materials to Nick Chasse on the New Shoreland Zoning Ordinance and phosphorus; answered questions regarding phosphorus.
- DRESDEN
- CZM a. Correspondence with Eleanor Everson, Chairman, Planning Board regarding Shoreland Zoning Ordinance. Sent her the disk and hard copy.
- GM b. Visited Dresden and reviewed their Comprehensive Plan policy development section (see enclosed).
- GM c. Correspondence with Eleanor Everson, regarding their comprehensive plan up-date. Dresden's inventory and analysis is done and most of their policies have been completed. Dresden is concerned about the Public Participation in their town and is trying to improve it. Dresden will hold two meetings in May to inform their citizens of the comprehensive planning process. Dresden has hired Steve Levesque as their consultant. He has written materials on housing to help Dresden with the moratorium that is being dropped in June.

JEFFERSON
a. Correspondence with Sheridan T. Bond regarding the comprehensive plan update. Jefferson is collaborating their old Shoreland Zoning Ordinance with the new state Shoreland Zoning Ordinance. Jefferson's town warrant indicated that they will receive funds from the state and will start their work plan shortly. This office has sent Jefferson the Shoreland Zoning Ordinance disc copy.

C2M GM
GM
c. Had an in-town visit with Bob Spear regarding the possibility of mapping costs covering the town match. I informed him that the total town match does not have to be provided all in the first year.

MONHEGAN
a. Spoke with Willard Boynton, Chairman, Board of Assessors. He will be speaking with his Board of Assessors to consider having the town do their comprehensive plan vs. the Land Use Regulation Commission do it. I told him we were willing to help with any assistance that may be helpful.

NEWCASTLE
a. Spoke with Dan Shick about their Comprehensive Plan update. He said that they have completed the Inventory and Analysis. Newcastle had a very good response to the questionnaire, and they are now in the process of starting the policies. They appear to be on schedule.

b. Went to Newcastle and delivered the New Shoreland Zoning Ordinance. Spoke with Bill Dunning regarding their comprehensive plan, shoreland zoning, interlocal coordination and roads. Inventory is completed in the comprehensive plan process, and they are now proceeding with their implementation strategies.

NOBLEBORO
a. Attended planning board meeting, discussed Randall Arendt lecture, reviewed subdivision by Bob Speirs, made suggestions on cluster housing and development. It was agreed that we will mail and provide up-dated materials as they consider changes to their ordinances.

b. Talked with Joan Hallowell regarding the onset of the comprehensive plan process. Nobleboro's mapping will cover the match for state funds. Suggested special meeting to address the issue of accepting state funds. Delivered starter materials on the comprehensive plan issues.

C2M GM
GF
c. Assisted Ann Peterson in getting ordinance materials. Had a long discussion about South Bristol's Comprehensive Plan Chairman. Their plan is moving well in all areas, except they have little or no information from Bill Peterson as to what he has done. Ordinances on disks have been given to them.

SOUTH BRISTOL
a. Assisted Ann Peterson in getting ordinance materials. Had a long discussion about South Bristol's Comprehensive Plan Chairman. Their plan is moving well in all areas, except they have little or no information from Bill Peterson as to what he has done. Ordinances on disks have been given to them.
b. Discussed with David Dean the wetland which is close to the Wakenoak Golf Course, which is being cut for a driving range. Answered questions about whether or not the Department of Environmental Protection would be involved. I told him the DEP would be involved if it was over 10 acres. I called Dan Prichard and Rich Baker to follow up on this issue.
c. Talked with David Dean regarding 35 acres of South Bristol's wetland to be impacted in Golf Course. Reviewed ordinances and comprehensive planning issues. Called DEP because they have jurisdiction.
d. Spoke with Ann Peterson. Sent a disk of the Municipal Shoreland Zoning Ordinance.

SOUTHPORT
a. Correspondence with Richard Conant, Chairman, Comprehensive Plan Committee. Discussed Southport wanting to become Round 3 on the development of the comprehensive plan. Called Henry Nichols, DECD, to see about putting Southport on Round 3 for the comprehensive plan. Southport is 72 on the Tier II Town Priority Listing. Southport may switch with the town of Sommerville who is 14 on the list, but would like to delay their priority to a later date. Gave information on Randall Arendt publications and Model Shoreland Zoning Ordinance prepared by this office.

WESTPORT
a. Correspondence with Ben Crebore, Chairman, Comprehensive Plan Committee, giving data and answering questions about the Comprehensive Plan. At this point, they do not want state money.

C2M GM
GM

- GM**
- b. Discussed with Ben Crehore and Vicki Gallagher, Affordable Housing and data. Forwarded information to him and talked with Rich Rothe. Told Mr. Crehore 10% of new construction must be affordable in a 10 year period.
 - c. Correspondence with Ben Crehore regarding the changes which occurred due to the town meeting.
 - d. Ben Crehore came in the office and wanted to know what to do with the state money. I suggested groundwater study, mapping, build-out study, ordinance review and development, comprehensive plan review, transportation study or marine study.
 - e. Attended planning board meeting to explain to the board the use of state funds. Westport has decided to take the funds, will take the funds.
 - f. Talked with Ben Crehore. Explained Luisa Holden and the relationship the office has with her. Discussed the possibility of this office helping the town for 2-4 hours a month. Discussed by-pass and letter from the Department of Transportation regarding Paul Minor meeting with selectmen on a one-on-one basis to discuss by-pass issues. He does not want this discussion to be on a hearing basis. Westport may have \$1,000 to work with the for development of digitized maps.
- GF**
- a. Attended selectmen meeting, introduced Municipal Resource and Planning Office of Lincoln County and answered questions regarding incorporation, insurance, and compliance of this office.
 - b. Provided technical assistance to Betty Martin, Eastern Mid-Coast Planning Commission on Waldoboro's population.
 - c. Correspondence with Waldoboro about their progress with the comprehensive plan. Since Waldoboro passed their last comprehensive plan in 1987, they are more interested in services such as fire, police, then they are in the comprehensive plan itself. Waldoboro will start adjusting the old Shoreland Zoning Ordinance and the new Shoreland Zoning ordinance to comply with each other. This office has sent them a copy on disk.
- GR**
- a. Attended selectmen meeting, introduced Municipal Resource and Planning Office of Lincoln County and answered questions regarding incorporation, insurance, and compliance of this office.
 - b. Provided technical assistance to Betty Martin, Eastern Mid-Coast Planning Commission on Waldoboro's population.
 - c. Correspondence with Waldoboro about their progress with the comprehensive plan. Since Waldoboro passed their last comprehensive plan in 1987, they are more interested in services such as fire, police, then they are in the comprehensive plan itself. Waldoboro will start adjusting the old Shoreland Zoning Ordinance and the new Shoreland Zoning ordinance to comply with each other. This office has sent them a copy on disk.
- WHITEFIELD**
- a. Information on Affordable Housing and statistical data on population, schools, economy, housing in the Lincoln County Towns was provided.
 - b. Met with the Planning Board to help on Mobile Home Park Ordinance. They don't have an ordinance at the present time.
 - c. Attended Comprehensive Plan Committee meeting regarding finishing project.
 - d. Provided assistance in Whitefield with Luisa Holden of Enviroplanning. Discussed the comprehensive plan and where they were to date. We laid out a plan for completion of their comprehensive plan by November 1, 1990.
 - e. Picked up Inventory and Analysis on Whitefield; reviewed materials.
 - f. Attended meeting with the Comprehensive Plan Committee with Luisa Holden; provided outline of services and collected data. Answered questions and had a discussion of the direction of the comprehensive plan.
 - g. Spent the entire day on Whitefield, assembled their plan and prepared for next week's work of their comprehensive plan.
 - h. Worked with Luisa Holden on the Comprehensive Plan and Coastal Zone Management. Whitefield has decided they want this office to write their comprehensive plan.
- WISCASSET**
- a. Provided assistance to Dan Thompson to locate interns for the Wiscasset Abandoned Roads project. We discussed the school budget.
 - b. Provided assistance to Dan to get in touch with U.S.M for intern, Herb Perry.
 - c. Attended road meeting conducted by Dan Thompson. Spent hours in preparation and discussions for this meeting (see enclosed).

- GF d. Attended Affordable Housing Coalition meeting sponsored by Coastal Enterprises, Inc. Writing a manual and holding a public hearing. This office will provide housing data (see attached).
- GF e. Provided assistance on Affordable Housing and Historic district, 3 Affordable Housing projects, Greenbelt committee, transportation.
- GF f. Formed steering committee (transportation).
- GF g. Attended and sponsored By-Pass meeting, over 100 attended.
- GF h. Discussed with Coastal Enterprises Inc. to hold a public forum on Affordable Housing.
- GF i. Attended regional by-pass meeting; called Holly Dominie about B-3 route, railroad.
- GF j. Attended Affordable Housing Meeting. 60 attended, much testimony.
- GF k. Betsy Bass and I attended an ordinance development meeting to promote interlocal activity in other towns which border the Sheepscot Watershed. We discussed coastal management ordinance and phosphorus regulations; also discussed up-dating the floodplain ordinance.
- GF d. In office visit with Senior Spectrum about Affording Housing and the Senior Spectrum's needs. Second meeting with Senior Spectrum regarding funding of project, which is to provide capability and information along with assistance to elderly consumers and their families regarding benefits, services and programs to answer their needs.
- GF e. Public hearing in Jefferson, regarding how to stop the Inland Fisheries and Wildlife from making a launching ramp in Jefferson. Called Dan Prichard, DEP, regarding how the state must adhere to all state regulation but not to local regulations. The Inland Fisheries and Wildlife have not applied for this ramp yet, but when they do they will need the DEP's approval.
- GF f. Met with Midcoast Affordable Housing This organization wants to get data and submit a proposal to Pearly Beane. Dan Thompson and I have discussed the possibility. Dan also talked about United Way doing a major planning project (1 year).
- GF
- MISCELLANEOUS**
- C2M a. Attended discussion in Damariscotta on watersheds. 30 people attended from the associated Lake associations and Land Trusts. It was agreed that they would start an education committee, a formal organization and further meetings on sampling legislation. Reviewed their education proposal.
- C2M b. Meeting conducted on Interlocal Watershed Committee. Discussion included development of comprehensive plans in relation to water quality, function of of involvement, explanation between ordinances and the comprehensive plan (see enclosed).
- GF c. Correspondence with Mr. Trembley, Biology Teacher at Lincoln Academy, regarding Kellogg grant. It was agreed to get together after the completion of the Kellogg grant. Sent copy of proposal to surrounding Lincoln County schools (see enclosed).

EASTERN MID-COAST RFC

COASTAL PROGRAM

Task A1: General TA - Coastal Communities

During the third quarter the EMCRPC staff has continued to provide general technical assistance to our coastal towns, described below:

Belfast: Assisted the City Manager with the Coastal Planning Grant application to fund a Harborfront Land Use Plan. The project is a high priority in the City, as the waterfront and adjacent downtown areas are in transition due to conversions of industrial buildings and the growing interest in harbor activities. The City has been "informally" notified of the award, and is gearing up to begin the project this summer. The Coastal Planner and/or EMCRPC staff anticipate providing additional assistance on this project in the coming year.

EMCRPC also provided the Belfast CEO with information on (vehicle) access management for future development along Route 3 where the City recently imposed a moratorium.

Camden: Met with the Harbor Committee chairman and OCP staff to discuss the application process for a Waterfront Action Grant. The funds would be applied to develop a Float Plan for the inner harbor.

Islesboro: The Island requested assistance from EMCRPC in combining their Development Review Ordinance, Land Use Ordinance, and a Shoreland Zoning Ordinance into a single document which will meet State requirements and protect Island resources. Islesboro is currently mapping critical areas and wetlands, and anticipates beginning work on the new ordinance in May and finishing by late summer. Pending Planning Board approval, the Coastal Planner will begin working with Islesboro on this in late May/early June.

Lincolnville: Consulted with the Comprehensive Plan Committee regarding zoning to control traffic impacts, and also on the DEP's permitting process for transportation projects. Consulted with the CEO on shoreland zoning questions regarding State regulations for timber harvesting and clearing vegetation on the shores of Knox Pond (GPA).

Matinicus: Provided information for a Marine Development Subdistrict, for which the Island is petitioning LURC.

Owls Head: Consulted with Planning Board Chair on a subdivision proposal and conversions of existing structures in the shoreland zone; Provided information on the new State shoreland zoning requirements as they became available; and continued to make additions and corrections to Owl's Head Zoning Ordinance which should be completed in May.

Rockland: EMCRPC staff met with the Rockland Planning Commission to discuss the City's priority issues for the coming year. EMCRPC is producing a "Policy Handbook for Developers" which outlines guidelines in the application and permitting process and requirements in the City's ordinances.(see attached draft).

Rockport: EMCRPC staff communicated with Rockport officials regarding the need for a meeting with the DEP staff to explain the Phoshorus Loading methodology being developed by DEP.

St. George: Met with the Harbor Committee, Planning Board chair, and Town Manager to discuss harbor and mooring issues for Tenants Harbor and Port Clyde. The Coastal Planner assisted in writing the application for a Coastal Planning Grant to conduct a Harborfront and Mooring Plan for these two harbors. The Town has been "informally" notified of the award, and expects to begin the project later this summer.

Also consulted with the CEO and numerous Planning Board members, on a number of occasions, re: the Scrabble Point subdivision proposal in the shoreland and floodplain zones, and various questions on expansions/conversions of non-conforming structures in the shoreland zone.

Thomaston: Provided assistance on zoning amendment procedures following inquiries from Comprehensive Planning Committee members and an alternate Planning Board member. They were concerned about improper procedures and inadequate public notice to change a Route 1 residential zone to commercial, which would have resulted in strip development. The town is now following the proper procedures on this issue.

Vinalhaven: Consulted with Planning Board on a request for a zoning change, which was potentially spot zoning, and on the procedures for the dismissal of a Planning Board member. The EMCRPC staff researched legal resources for information to help clarify the situation for the Planning Board.

EMCRPC Coastal Planner and OCP planning grant staff met with the Acting Town Manager on the planning and waterfront action grant application process. Two projects were discussed: a Fish Plant Feasibility Study, and repairs to the public landing parking lot. The Town decided against the planning grant matching funds for the Feasibility Study, but chose to apply for the action grant. EMCRPC reviewed the application for the action grant.

Several recommendations made in the Vinalhaven Hydrology Report and incorporated into appropriate zoning ordinance language by EMCRPC staff (discussed in the 2nd Quarterly TA Report) were voted on at the March Town meeting. Although the amendments to the General Land Use Ordinance were not passed, the Vinalhaven Natural Resource Committee is continuing, with our encouragement, to advocate stricter regulations to protect the Island's water resources. EMCRPC staff also assisted the Planning Board in amending the Subdivision Ordinance to incorporate recommendations of the Hydrology Study.

Task A2: Tier 1 Towns: Thomaston, Warren and Northport

Warren and Thomaston are also included in the Interlocal Project (see Task A4).

Representatives from Northport and Thomaston attended the Shoreland Zoning workshops held in April, which reviewed the State Shoreland Zoning Ordinance and provided local officials the opportunity for individual assistance on local shoreland zoning issues.

-Met with Esperanza Stanciof of Knor/Lincoln Cooperative Extension Office on March 16, discussed regional coastal water quality issues and other possible cooperative ventures.

-The Coastal Planner met with the Estuary Management Plan person from the State Planning Office to discuss potential of the St. George River estuary as a focus for a model estuarine management program. We anticipate holding a public meeting in the near future in that area to get feedback and discuss the program.

-General Fund staff and Coastal Planner attended workshop on Georges River Tidewater project which also discussed general water quality issues for estuaries and coastal areas.

Task B. Subdivision Assistance

Subdivision Workshop series - The first workshop in a series of six workshops on the subdivision review process was held on April 26th. John Williams, State Hydrogeologist gave an excellent talk on ground water issues, he encouraged questions and got many from the audience. Enclosed are some of the materials that were given out at the workshop plus the attendance list. There will be one workshop each week through May 30th. Enclosed is the general public notice that was sent out to all Planning Boards, first selectmen, code enforcement officers, town managers, and chairmen of Zoning Boards, Conservation Commissions and Comprehensive Plan Committees in the region. Also enclosed are examples of the letters and public notices sent to eleven newspapers and radio stations. During this last week of the quarter the EMCRPC staff has requested more news coverage and has called and sent out additional notices to communities. Workshops are being held in Belfast and Rockport, making logistical planning a little more difficult, but hopefully providing better accessibility to communities.

The Workshops feature speakers who are experts in their fields who encourage lively and worthwhile audience participation. The Workshops have been designed to give Planning Boards, and anyone else interested, a good foundation of knowledge plus provide them with helpful tools to guide them through the difficult technical issues that they face in doing subdivision (and other local) reviews.

The EMCRPC staff have provided subdivision assistance to all communities as requested. Specific technical assistance has been provided to:

Brooks-Did complete review of their totally new, proposed Subdivision Ordinance, sent detailed letter with additional suggestions and recommendations. Had several discussions with Planning Board chairman regarding the proposed Ordinance. Ordinance was adopted at March town meeting.

Knor-Reviewed proposed revisions to the Knox Subdivision and Building Ordinances, sent detailed letter on findings and have kept in close contact with Planning Board chair man.

Task C. Mobile Home Park/Manufactured Housing:

The comprehensive and very readable handbook provided by OCP plus the "Model Zoning Provisions Regarding Mobile Home Parks" produced by SMRPC are readily available for communities at the EMCRPC office. We continue to keep communities informed through "Planning News" and additional mailings.

A staff member has discussed the Mobile Home Park Law with a subcommittee of the Washington Comprehensive Plan committee.

Task D. Floodplain Assistance:

The EMCRPC staff:

-Provides information on and upgrades a file drawer of all maps, sample ordinances, and other pertinent information provided by FEMA and the State Floodplain Coordinator.

-Assists the Maine Emergency Management Agency when called upon.

-Provides ongoing education of staff to remain abreast of current developments in the Federal Flood Insurance Program.

-Continues to offer technical assistance to EMCRPC communities on an as requested basis.

-Continues to work with the State Flood Insurance Coordinator(SFIC) on requests that may be presented to EMCRPC.

-Received, reviewed and filed flood plain maps and information on Belfast and Lincolnville.

-On March 15th talked with SFIC, Lou Sidell, regarding flood map question for EMCRPC's cartographer.

-On April 30th, notified the SFIC and FEMA in Boston that EMCRPC was being sent flood insurance studies and maps that should have gone to NRFC and PVCOG. Also Notified and forwarded the flood insurance studies and maps to the two planning agencies.

General Fund: Other

-Did A-95 review of Washington mining plan by George Hall and Co. for Ridout Pit and spoke with Tim Wright at the DEP about it. He assured the staff member that he would be going to the site for an inspection.

-Contacted and sent out agenda to several teachers in the area regarding the "Future of Maine" workshop.

-Information resource for communities and sometimes for other EMCRPC staff: Determining the difference between intermittent and perennial streams. The definition varies greatly between State and federal agencies such as USGS.

Task A 4: Coastal Grants

Following meetings with the Harbor Committees, planning board members, and town managers of St. George, Belfast, Camden, and Vinalhaven in February, the Coastal Planner saw two planning grants through the application process, and reviewed an action grant application (see Coastal Program Task A Technical Assistance). Both St. George and Belfast have been "informally" notified of the grant awards, and are anxious to begin their projects later this summer. EMCRPC anticipates being involved (to some extent) in both projects.

Task C: Interlocal Demonstration Project
"Shoreland Zoning in the Lower St. George River"

A meeting was held in Warren on March 12 with the comprehensive planning committees (and some planning board members) of Warren and abutting towns to address interlocal issues. The towns present included

Warren, Thomaston, Cushing, Union, Rockport, St. George, and Rockland. At this meeting, the shoreland zoning issues were discussed and the interlocal project was outlined regarding the involvement of each town and the various committees and boards. The towns were informed of the recent adoption of the new State Shoreland Zoning Ordinance, and of the highlights of the amendments. The comprehensive plan committees are eager to address resource protection, water quality, and related shoreland issues that are both local and interlocal in nature.

Despite the best efforts of the Coastal Planner, this project is slightly behind schedule. However, EMCRPC will soon receive the State Ordinance on a computer disk, which will be used as the base for revising local SZO's and will expedite the process.

Attachment 7



Penobscot Valley Council of Governments

On Cumberland Place Suite 300
P. O. Box 2579 Bangor, Maine 04401-8520 (207) 942-6389

DEP SHORELAND ZONING WORKSHOP SPONSORED BY EMCRPC

April 10, 1990

Key Bank, Rockland, 7-9 p.m.

AGENDA

PLEASE SIGN IN!!

Welcome & Introduction

Carol Shaw, EMCRPC Coastal Planner

Review of new State Shoreland Zoning Guidelines

Rich Baker or Dan Pritchard, DEP Shoreland Zoning Staff

Topics include:

- Timeframe for local Shoreland Zoning Ordinance compliance with State Guidelines;
- Amendments to the former State Shoreland Ordinance;
- New provisions;
- Statutory provisions that must be enforced now, and those that will need to be enforced later; and,
- Local Shoreland Zoning and the Comprehensive Plan process.

Discussion - Question & Answer Session

Adjourn - 9:00 p.m.

REMINDER:

The first of several "Office Hours" workshops will be held on **Wednesday, April 25**, from 2:00-5:00 p.m., at the Key Bank conference room. (Please park in the public parking lot behind the Bank's customer lot). The purpose of this (and future office hour clinics) is to provide additional advisory assistance to each town on their local shoreland issues/problems. Drop in anytime between 2-5 p.m. I would like to meet with each town's Planning Board prior to these clinics, to discuss your shoreland zoning priorities in preparation for the office hours clinics. The Towns of St. George, Cushing, S. Thomaston, Thomaston, and Warden are especially urged to attend on April 25th. Future dates and locations will be announced soon.

3. General Technical Assistance.
* See enclosed log.

4. Local Coastal Grant Program.
 - a. Bangor
 - b. Frankfort
 - c. Stockton Springs

Meetings and assistance with application preparation. See enclosed information.

5. Attendance at monthly meetings/training sessions:

- a. February: Shoreland Zoning (excused because had attended 3 identical meetings sponsored by PVCOG & DFR's Shoreland Zoning Unit also in February.
- b. March: canceled by OCP
- c. April 24th: attended.

B. SHORELAND ZONING.

- a. Workshop on revised guidelines in Bangor at PVCOG on Feb. 28th, 1990, 7-9 pm. Notices and attendance sheet enclosed. Videotape of workshop available for all communities.
- b. Individual technical assistance in town-by-town log.
- c. On-going discussions with towns to let them know we are available to help them with their shoreland zoning revision as they are ready.

C. INTERLOCAL DEMONSTRATION PROJECT.

- a. Bangor/Brewer Harbor Management Plan
- b. Frankfort/Prospect Groundwater Protection Plan
 - * Meeting on Feb. 8, 1990: agenda & material enclosed.
 - * Meeting being set up for June 21, 1990; Letter enclosed.

The 11 COASTAL and ESTUARINE COMMUNITIES

- 1. Bangor
 - a. Attended shoreland zoning/floodplain management workshop.
 - b. Code Enforcement Officer received floodplain management handbook.
 - c. Received technical assistance on a Waterfront Action Grant application.

2. Brewer

- a. Planner reviewed the shoreland zoning videotape prepared by PVCOG of the shoreland zoning workshop.
- b. Code Enforcement Officer received floodplain management handbook.
- c. Received technical assistance on a Waterfront Action Grant application.

3. Eddington

- a. Attended shoreland zoning/floodplain management workshop.
- b. Code Enforcement Officer received floodplain management handbook.
- c. Planning Board member attended the subdivision review course, March 1990.

Comprehensive Planning: Carol Stauffer has been reviewing plans and discussing priority status with Eddington. See assistance log.

4. Frankfort

- a. Code Enforcement Officer received floodplain management handbook.
- b. Received technical assistance on a Waterfront Action Grant application.

Comprehensive Planning: The "Municipal Planning Program Monitoring Form", which provides Frankfort's workplan status, completed by Carol Stauffer on Frankfort is enclosed.

5. Hancock

- a. Attended shoreland zoning/floodplain management workshop.
- b. Code Enforcement Officer received floodplain management handbook.
- c. Receiving on-going technical assistance on their 1989 local planning grant on "Study of Proposed Waterfront Development Zone".
- d. Planner and a Councillor attended the subdivision review course, March 1990.

6. Orrington

- a. Attended shoreland zoning/floodplain management workshop.
- b. Code Enforcement Officer received floodplain management handbook.
- c. Code Enforcement Officer attended the subdivision review course, March 1990.

7. Preston

- a. Code Enforcement Officer received floodplain management handbook.



Penobscot Valley Council of Governments

One Cumberland Place Suite 300
P.O. Box 2579 Bangor, Maine 04401-8520 (207) 942-6389

4/4/90	PB member	Orrington (Tier 3) Subdivision problem
2/7/90	Prospect PB	Prospect (Tier 2) Shoreland zoning, floodplain Management, & Access Regional Project Mtg.
2/8/90	Prospect PB	
4/10/90	TM	Seabrook (Tier 3) Shoreland Zoning discussion
		For Immediate Release
2/13/90	Ron Poitras, Consultant	Stockton Springs (Tier 2) Shoreland Zoning guidelines & WAC information
3/7/90	Earle Brooks, (S)	Article in Town Warrant
4/4/90	Ron Poitras, Consultant	Comprehensive Planning info
		Shoreland Zoning and Floodplain Management Workshops
		Scheduled for Wednesday, February 28 in Bangor
2/8/90	CPC members (Meeting)	Winterport (Tier 2) Progress on plan/additional data to include.
2/9/90	Nancy Patterson (CPC)	Housing & Fiscal Capacity info
2/9/90	Joe Brooks (CPC)	Housing & Economic data
3/19/90	CPC member	Qualifiers, forests, agriculture
3/20/90	CPC Chair	Priority list order
3/26/90	CPC member	Housing data
3/29/90	CPC member	Set up 3/29 meeting
4/11/90	Arthur Ellingsood, TM	Housing data, general questions
4/11/90	TM	Priority list
4/12/90	Arthur Ellingsood, TM	Will accept planning grant Material for a new PB member

Date: February 15, 1990
Contact: Cathy Pope, 942-6389
Shoreland Zoning and Floodplain Management Workshops

Scheduled for Wednesday, February 28 in Bangor
Bangor, ME — A workshop on shoreland zoning and floodplain management sponsored by the Penobscot Valley Council of Governments (PVCOG), the Department of Environmental Protection (DEP) and the Office of Comprehensive Planning (OCP) will be held on Wednesday, February 28, 1990 at PVCOG, One Cumberland Place, Suite 300, Bangor, from 7-9 pm.

During the workshop, information on the revised Minimum Standard Zoning Guidelines will be presented by a representative of DEP's Shoreland Zoning Unit. Also, updates and questions on floodplain management will be addressed.

For more information, or to register for the workshop — which is free of charge — call PVCOG at 942-6389 or 1-800-292-2028.



Penobscot Valley Council of Governments

One Cumberland Place Suite 300
P.O. Box 2579 Bangor, Maine 04401-8520 (207) 942-6389

HANCOCK COUNTY PLANNING COMMISSION

FRANKFORT - PROSPECT

REGIONAL DEMONSTRATION PROJECT INITIATING COMMUNICATION AND DEVELOPMENT OF A MANAGEMENT PLAN FOR A SHARED AQUIFER AND OTHER WATER RESOURCES

February 8, 1990

Frankfort Town Hall, 8 pm

Attendance

Franfort: Planning Board Chair, Evelyn Adams plus one member
Comprehensive Planning Committee Co-Chairs: Roul Pellitter

Larry Redman
Plus 4 additional members

Selectman Robert Richmond
Prospect: Planning Board Chair, Bill Sneed

The meeting agenda:

1. A discussion of the proposal for the two communities to work together and a time schedule was presented and discussed.
2. The video "The Planning Process for Local Groundwater Protection" was presented and accompanied by the manual.
3. The video was discussed. Each community decided to complete a first step, that of inventorying current data and maps in each community.
4. Frankfort is currently working on their comprehensive plan and Prospect will be beginning theirs in the Second Tier rounds. Both communities will address water quality, including groundwater quality, goals in their plans.
5. After town meetings in March, a second meeting will be set up and the inventories will be reviewed and the next steps will be determined.

4.21

The attitudes expressed by the two communities and the interest in water quality protection was positive. The interest in the video's 10 steps was active and it was a good start to regional cooperation.

A workshop was held on March 12, 1990 from 7:30 to 10:00 in Ellsworth. The workshop topic built upon on-going shoreland zoning assistance and the interlocal demonstration project. (see attachment for documentation)

Activity Status: Completed.

COASTAL CONTRACT

QUARTERLY REPORT

FEBRUARY 1, 1990 - MAY 1, 1990

TASK A. LOCAL IMPLEMENTATION OF COASTAL POLICIES

- ACTIVITY A. 1. Technical Assistance on Coastal Management issues to Tier I Towns.

A. 1. C.

The Coastal Planner is assisting Tier I, Round 2 towns as needed depending upon individual need. The Coastal Planner is serving on the City of Ellsworth's Comprehensive Planning Committee on a voluntary basis while providing technical assistance to applicable committee members in the capacity of coastal coordinator. The Coastal Planner will continue to work closely with the Growth Management Coordinator to ensure that the coastal policies are implemented into coastal communities' Comprehensive Plans. The Coastal Planner is currently developing assistance strategies based on local conditions and the discussion from the Coastal Coordinator's meeting of April 24, 1990. See attachment for documentation, Activity Status, On-Going.

A. 1. d.

The Coastal Coordinator is prepared to provide assistance to non-Tier I coastal communities based upon feedback from the informational packet recently distributed to non-Tier I towns based upon strategies outlined in A. 1. C. above.

Activity Status: On-going.

ACTIVITY A. 2.

A. 2. b. Coastal Policies Workshop

A workshop was held on March 12, 1990 from 7:30 to 10:00 in Ellsworth. The workshop topic built upon on-going shoreland zoning assistance and the interlocal demonstration project. (see attachment for documentation)

Activity Status: Completed.

ACTIVITY A. 3. General Coastal Management Technical Assistance.

A. 3. A.

The Coastal Coordinator provided general technical assistance to several coastal towns (See attached list titled "General Coastal Management Technical Assistance Report".)

ACTIVITY A. 4.

The Coastal Planner provided additional technical assistance to the towns of Tremont, Isle Au Haut and Bar Harbor as they prepared their Waterfront Action Grants.

Activity Status: Completed

ACTIVITY A.5. OCP Monthly Training Sessions

The Coastal Planner has participated in all of OCP's monthly training sessions.

TASK B. SHORELAND ZONING

ACTIVITY B. 1. b.

Based on the prioritized list for water dependent use districts, the coastal planner is providing technical assistance to Brooklin and Tremont; two communities which have a high priority ranking. The Town of Tremont has a densely developed "working" harbor which has been put at risk due to development proposals which may result in user conflicts. These recent turn of events have promoted local officials to study the existing zoning situation closely. Brooklin is organizing a special town meeting to vote on their updated Shoreland Zoning Ordinance. The Coastal Planner has been providing technical assistance to the planning board in relation to the protection of prime sites for water dependent uses.

COASTAL CONTRACT

TASK C. Interlocal Demonstration Project

C. 1. b.

Nothing further has been accomplished on the Interlocal Demonstration Project. We are planning to move forward with it in June after having very busy weeks in April and May preparing and giving the Growth Management Workshop and the Subdivision Workshop. The following is an overview of what we plan to accomplish:

- 1) Prepare a map of the Frenchman's Bay Watershed.
- 2) Survey all coastal towns in the watershed regarding boat mooring densities, overboard discharges and clam flat closures.
- 3) Plot the information on the map.
- 4) Assess correlations between negative impact on marine resources and overboard discharge locations and boat mooring densities.
- 5) Identify potential interlocal conflicts.
- 6) Suggest goals/objectives, potential policies and implementation strategies adopted by the towns.

Note: Positive progress has been made with GIS interpretive soils mapping of the Frenchman's Bay Watershed and Hancock County. County budget has been approved. Funding acquired by Frenchman's Bay Conservancy will be enough to match SCS for entire county mapping. This is an offshoot of the Interlocal Demonstration Project.

ATTACHMENT
COASTAL POLICIES
QUARTERLY REPORTS

SURRY - The Harbormaster is currently looking at the adequacy of existing salt water access and is developing recommendations to aid the related policy making of the Comprehensive Planning Committee.

WINTER HARBOR - The Comprehensive Planning Committee has held a public hearing on the results of their public opinion survey. Committee members are using these results along with the coastal policies in order to develop policy statements related to coastal issues.

STONINGTON - Has a lot of background data related to coastal issues. This information will be helpful as the town enters its implementation phase of the Comprehensive planning process.

ELLSWORTH - Is currently working on the inventory and analysis of their Comprehensive Plan. The Coastal Policies are being considered through the inventory and analysis phase.

BLUE HILL - Is scheduled to have their first committee meeting May 13, 1990. The town has contracted mapping services which include a marine and water dependent use map showing public access points, mooring and berthing concentrations, and water dependent and marine related uses.

TRENTON - Recently held their first committee meeting. Public opinion survey results show high interest in a number of coastal related issues.

ATTACHMENT
GENERAL COASTAL MANAGEMENT ASSISTANCE REPORT

FEBRUARY 1, 1990 - MAY 1, 1990

BROOKLIN - Met with the Planning Board to review recent Shoreland ordinance amendments and to discuss the new shoreland model guidelines, shoreland zoning map revision, and water dependant use districts.

HANCOCK - Met with the Planning Board Chairman to discuss the role of a preliminary flood hazard area study in discouraging coastal hazard area development.

SORRENTO - Met with a Harbor Committee Chairperson to discuss the Harbormaster law, harbor related issues, shoreland zoning, commercial/maritime activities districts, and the coastal policies.

SURRY - Provided assistance to the Harbormaster in his assessment of marine related needs which will be reported to the Comprehensive Planning Committee.

ISLE AU HAUT - Provided assistance to the Community Development Director in relation to hazard area management and marine infrastructure needs.

TREMONT - Working with the Town Planner to develop a zoning district which will protect a working harbor from incompatible land uses.



WASHINGTON COUNTY
REGIONAL PLANNING COMMISSION

63 MAIN STREET MACHIAS, MAINE 04654 TEL. (207) 255-8686

TO: Office of Comprehensive Planning
FROM: Glenn Avery, Coastal Coordinator
DATE: May 1, 1990
SUBJ: 3rd Quarter Report, C2M 1989-90

PORTS & HARBORS WORKSHOP was held in Machias at the University of Maine, Tuesday, March 6, 1990. (see attachments) The workshop was set up as a panel. On the panel were Robert Elder, DOT, Kirk Schlemmer, OCP/DEC'D, as well as representatives from harbor districts in Cutler, Jonesport, and Eastport. Presentations were made by each panel member followed by panel member exchanges and questions from the audience. The DOT representative discussed in detail the overwhelming impact for Washington County coastal towns drawn from the recently completed and compiled MARINE INFRA-STRUCTURE SURVEY. Out of 39 eligible projects identified in Washington County, 25 were placed on the priority projects list. A total of 70 priority projects was identified by the Survey State wide. The 25% of the total identified as "priority" in Washington County total \$35 million which includes funding limit of \$500,000 for individual projects. (see "Planning Study of Maine Coastal Port and Harbor Needs, Sasaki Associates, January 1990)

COMPREHENSIVE PLANNING/WATER DEPENDENT USES: Have met with seven (7) of the ten (10) towns identified and contacted initially by sending out packets containing SAMPLE ordinances for zoning protections for maritime uses, marine resource areas, traditional access routes, and prime harbor front areas. (two (2) towns are scheduled for first week in May to discuss the above. The two towns are Steuben and Harrington. The final town, Perry, I have met with on two occasions through the Interlocal Demonstration Project (discussed later) and have covered WDUs. However, the Perry meeting will be arranged to coincide with a working session on the Comprehensive Plan summary.)

SHORELAND ZONING: The above town meetings include extensive TA on Shoreland Zoning, the ACT, as well as the model Ordinance. Special attention is focused on how the town may adopt amendments to the Shoreland Zoning Ordinance to create Commercial Fisheries/Maritime Zones as well as protect access/landings. Attended Shoreland Zoning Workshop (April 26, 1990, Machias) where approx. 60 people attended to hear Rich Baker, DEP, review the model Ordinance. Assisted DEP in identifying list of individuals in Washington County's 41 towns who should receive copies of the model for distribution in their respective towns. In future I will use this same mailing list to keep the towns (especially the 26 coastal towns) informed of clarifications to the ACT.

Worked with DEP staff to develop office hours in WCRPC offices beginning in late April or May. Will work with other WCRPC staff in "clinics" designed to develop working papers for adoption of the required Shoreland Zoning model's minimums with County's 41 towns. Goal is to have all towns considering the adoption rule by town meeting time in spring, 1991.

WAG/PAG COMPLETIONS AND AWARDS: Assisted OCP/DEC'D staff in clarifying final steps in applications for four (4) of the seven (7) towns which applied. Personally visited to review six (6) of the proposed sites. Have worked with seven (7) towns on applying for 1990 WAG/PAG including Calais (Waterfront Park)

Eastport (Floats)
Lubec (Renab Pier & Johnson Cove Turnout)
Machiasport (Acquisition)
Cherryfield (Access)
Jonesboro (Dock at Granite Wharf)
Pembroke (Plan for Reversing Falls)

INTERLOCAL DEMONSTRATION PROJECT: St. Croix Tidal Forum, Working with Chuck Mitchell, Soil Conservation Dist., to develop watershed study plan. Developing proposal to be offered in June meeting of the Forum and hope to see some form of the proposal adopted by the St. Croix International Waterway Commission in 1990 to conduct extensive watershed study/plan for the St. Croix Estuary.

OTHER ITEMS: Completed final review of draft Subdivision Regulations for Beals Island. Jonesport adopts at town meeting a new Coastal Waters & Harbor Ordinance (March 12th). Met with Jim Doyle, Eastport Port Authority, to discuss future negotiations for regional approach to unifying cargo terminals projections for Maine coast. Mr. Doyle requested TA from WCRPC for the future discussions with Sears Island and Portland Harbor representatives and State...February 8th. Continued data-base research for placing on computer all subdivisions in Washington County since 1977 to present. TA and information with/to Department of Municipal Affairs, Fredericton, N.B., concerning shared land Zoning and related land use laws. Developed mailout and distribution of material to legislative delegation, State and Federal, for C2M reauthorization in Congress based upon SPO information. Attended the Future of Maine conference in Bangor (March 22) assisted in the facilitation of the Inter-Active TV hook-up for COMPREHENSIVE PLANNING in cooperation with OCP and held at the UMM campus, Machias..April 27th, 11:30AM to 2:30 PM.

Gaining Ground

Newsletter of the Land for Maine's Future Board

Maine State Planning Office, 184 State Street, State House Station 38, Augusta, Maine
(207) 289-3261

IN THIS ISSUE

This special issue of Gaining Ground covers the recent acquisition of the Alice Wheeler Farm in Richmond and Bowdoinham, the February 1990 LMFB meeting, the reappointment of LMFB member Marion Fuller Brown, and a review of LMFB land acquisitions to date.

Alice Wheeler Farm Development Rights Purchased

At the February 12, 1990 LMFB meeting, the Board voted to approve the purchase of the development rights to the Alice Wheeler Farm in Richmond and Bowdoinham. The 307-acre dairy farm was selected by the Board with the support of the Department of Agriculture, Food and Rural Resources (DAFR) as one of the most important farms in the region in terms of ensuring long-term agricultural viability, demonstrating good conservation practices and its importance to the local farming infrastructure. Several supporters of the purchase were present at the meeting including municipal officers from the Towns of Richmond and Bowdoinham, The American Farmland Trust and representatives from the Androscoggin County Soil and Water Conservation District who sponsored the proposal to the LMFB on Alice's behalf.

The \$380,000 development rights purchase allows Wheeler to continue to own and farm the land, but the land may never be developed or subdivided. As with a conservation easement, this method helps to maintain the rural character of the land by protecting productive open space. The land can remain in farming and can be assessed and valued as a farm, rather than for its development potential. Public use of the property, particularly a woodland area, will be permitted with landowner permission to avoid disruption of the agricultural operation.

The closing was held March 8th at the Wheeler Farm and was attended by many local and state supporters of the project. This acquisition of farmland development rights is the first of its kind in Maine and may become a model for future efforts.

CALENDAR

LAND FOR MAINE'S FUTURE BOARD MEETING

March - April 1990
Volume 2, Number 7

IN THIS ISSUE

Most other New England States have a farmland preservation program which includes Purchase of Development Rights (PDR) as one of protection tools used. Information may be obtained from the DAFFR regarding farmland protection efforts.

LMFB FEBRUARY MEETING

In addition to the approval of the Alice Wheeler Farm acquisition, the LMFB received a legislative update and staff report. Of particular interest was the completion and release of the LMFB Biennial Report. The report reviews the accomplishments of the Board over the last two years since it was created. The report includes a description of the administrative procedures followed by the Board and Staff, and a summary of each of the properties acquired by the Board through January 1990. (A similar review of properties acquired is provided inside this issue of Gaining Ground). A financial report and an explanation of the variety of cooperative efforts undertaken by the Board with other agencies and private conservation organizations are also included. A copy of the report may be obtained on request from the Land For Maine's Future Program at the State Planning Office, Station 38, 184 State Street, Augusta, ME 04333, (207) 289-3261.

The Board approved a proposal from the Maine Historic Preservation Commission (MHPC) to undertake an archaeological inventory of the Mt. Kineo property acquired by the State. The Study will occur during the 1990 field season under the direction of Art Spieess, Archaeologist for the MHPC.

BROWN REAPPOINTED TO LMFB

Marion Fuller-Brown of York has been reappointed to the Board to serve a 4-year term. An original Board member since January 1986 and a former state legislator, Brown has been an integral member of the Board and serves on several of its committees. We are all grateful for her expertise and look forward to her ongoing contributions!

May 14, 1990 (tentative)
Location in Augusta TBA
Watch your local newspapers for location and confirmation of meeting date.

LAND ACQUISITION UPDATE

Recently completed land acquisition projects in Maine include the protection of Bellier Cove on Cobscook Bay by The Nature Conservancy, the protection of 15 miles of shorefront on Moosehead Lake and Bald Mountain Pond through a proposed land trade undertaken by BPL and the purchase of development rights along the Roach River by Inland Fisheries and Wildlife. See inside for more details on these acquisitions and for a review of LMFB-acquired properties.

Gaining Ground
Newsletter of the Land for Maine's Future Board
Maine State Planning Office
184 State St., State House Sta. 38
Augusta, Maine 04333

Third Class
U.S. Postage Paid
Permit No. 8
Augusta, Maine

Gaining Ground

p. 2

Vol.2 No.7

LMFB ACQUISITION UPDATE

Since September 1988, the land for Maine's Future Board has been evaluating properties proposed by individuals, conservation organizations, landowners and state agencies. These lands are distributed around the state and are diverse in the resources and recreational opportunities offered. As proposed lands have been evaluated by LMFB Staff and Committees, the most significant properties were selected for acquisition.

During the last 16 months, nine projects have come to fruition through the diligent work of LMFB and state agency staff, the contributions of countless staff hours from conservation groups such as The Nature Conservancy (TNC) and the Maine Coast Heritage Trust, and the cooperation of the many landowners.

The Board has been able to acquire over 6700 acres and nearly 20 shoreline miles by expending \$10.7 million of the \$35 million fund. The acquired properties range in acreage from 90 to 2100 acres and are located throughout the state. Several other projects are currently in negotiation in areas of the state not yet represented by these efforts. The nine projects approved by the LMFB to date are:

Kennebunk Plains - A rare sandplain grassland habitat which is home to a number of threatened species such as the grasshopper sparrow. This 1000-acre property is also important open space and game habitat. IF&W will manage the property for the natural values which will also protect the underlying groundwater aquifer. The property will be acquired for \$2.5 million from Coastal Blueberry Services, Inc., with \$373,328 in matching funds from public and private sources, as well as a matching piece of property valued at \$540,000 on Taunton Bay contributed by The Nature Conservancy.

Dodge Point - A 497-acre acquisition protecting over 7000 feet of tidal frontage on the Damariscotta River in Newcastle. The essentially undeveloped shore and contains several small pocket beach areas and woodland being managed by BPL. There are significant Indian shell middens which will be protected under state ownership. The land was acquired for \$2.35 million with \$300,000 in matching funds from The Damariscotta River Association, a local land trust, and from the Maine Coastal Program.

Shackford Head - A 90-acre undeveloped woody and rocky peninsula in Eastport with protected coves and beaches that is now owned and managed for public use by the Bureau of Parks and Recreation. The

\$560,000 purchase included \$15,000 in funds from the Maine Coastal Program.

Mount Kineo - 600 acres and nearly three and a half miles of shoreline are included in the LMFB purchase of this most prominent landscape feature of Moosehead Lake. The area is now owned and managed by BPL with camping, hiking and water access available. The State acquired this property for \$750,000 with TNC participating as negotiator on the Board's behalf.

Sandy Point Beach - The 100-acre coastal property in Stockton Springs is a popular recreational beach to be managed cooperatively by the Town and BPL. The property was acquired by the Board for \$857,125 from Central Maine Power Co. using \$35,000 in matching Maine Coastal Program Funds.

Cutter Coast - This spectacular 2100-acre parcel of shoreline land in Cutler projects nearly four and a half miles of bold rocky coastline, characteristic of the downeast coast. This land is now owned and was managed by BPL for passive recreation and was acquired from the Hearst Corporation for \$2.5 million.

Tide Mill Farm - At the southern end of Cobscook Bay in the downeast coastal township of Edmunds, the LMFB has purchased the State's first conservation easement on the most productive and important tidal wetland system. The 1520-acre coastal property is home to bald eagles, migrating shorebirds and wintering black ducks. The Bell Family has owned this land since the 1700's and with the conservation easement, the current generation of Bells can continue to live on and manage their land, while being assured that it will not be developed in the future. The purchase price of \$1,075,000 includes a 3-acre addition to Cobscook Bay State Park.

Commissionary Point - Across Whiting Bay from Tide Mill Farm, a 250 acre property will also be preserved under IF&W management. LMFB has purchased 200 acres in fee and an easement on the remaining 50 acres which precludes development. Over two miles of undeveloped shoreline will be protected by this purchase. The land and easement will be acquired for \$515,000.

Alice Wheeler Farm - The development rights to this 307-acre working dairy farm in Richmond has been purchased as a model for farmland preservation which guarantees protection for this land. The land can remain in farming, while the State holds the development rights. This land is important and productive open space, which will be acquired earlier in this issue of Gaining Ground.

Gaining Ground

Vol.2 No.7

p. 3

Day's Academy Acquisition on Moosehead Lake

The Bureau of Public Lands has reached an agreement with S.D. Warren Company of Scott Paper, for the acquisition of 950 acres and nearly 20 miles of shoreline on Moosehead Lake and Bald Mountain Pond. 19,270 acres of forestland with limited multiple use value currently owned by BPL would be traded in exchange for the high-value waterfront property. Legislative approval of LD 2446 describing the trade is needed before the deal becomes final. A legislative hearing was held on March 28.

The proposed acquisition includes 7,275 acres with 7.5 miles of frontage in Day's Academy Township on the east shore of Moosehead Lake and a conservation easement protecting an additional 9.5 miles of frontage and 500 feet of backland around the southern part of the "loop" along the lake. A 1503-acre parcel in Big Squaw Township abutting BPL land in Little Squaw Two. (Piscataquis Co.) and 771 acres with 3 miles of frontage on Bald Mountain Pond in Baldwin Township (Columbia Co.) are also part of the land trade. Existing campsites and opportunities to develop more public camping areas will be managed by BPL. The Day's Academy property was proposed to the LMFB by Scott Paper in September 1988.

Bellier Cove on Cobscook Bay

The Nature Conservancy has negotiated an agreement to purchase a 160-acre tract on Bellier Cove on Cobscook Bay near Dennysville. The tract includes over 3600 feet of frontage on the sheltered cove which provides critical winter habitat for black ducks and other waterfowl. The property was subject to a recent controversy over a change in zoning to permit a proposed subdivision. This acquisition is a further contribution to the protection of Cobscook Bay, identified as the highest wetland protection priority in Maine for the North American Waterfowl Management Plan, an international agreement between the U.S. and Canada to protect waterfowl and wetland habitat.

Reach River

The Roach River, located in the Moosehead Lake region between First Roach Pond at Kokadjo and Moosehead Lake, has been protected by the Department of Inland Fisheries and Wildlife through the use of their land acquisition bond fund. The \$50,000 purchase includes a combination of full fee acquisition and easements along a 1000' corridor for the entire 6.3 mile length of the river. Important landlocked Atlantic Salmon and brook trout spawning and nursery areas will be protected with this purchase while several points of access to remote stretches of the river will be provided for anglers.

As part of the purchase price, IF&W is also acquiring Black Brook Pond Flowsage, a 400-acre marsh and wetland near Flagstaff Lake in Somerset County. An improved dam will be built to create a large shallow marsh which will provide habitat for migration and nesting waterfowl and nongame bird species as well as other wildlife species.

Map of LMFB Acquisitions

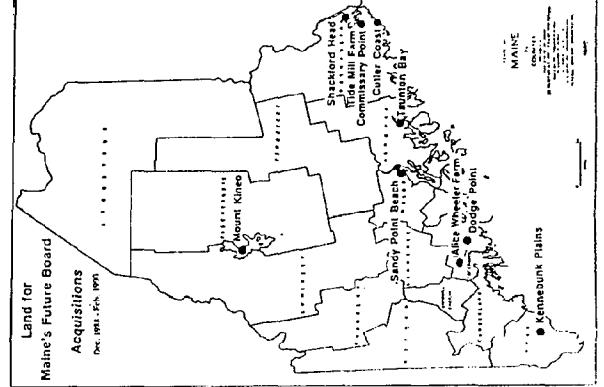


Exhibit E-6

LIST OF PRODUCTS, CZ083 AWARD (1988-89)

Task 1 -- Improving Program Core Law Enforcement & Implementation

- * Agenda for Action, Casco Bay, DEP, January 1989.
- Final Report of the Legislative Commission on Marine Research, December 1988.
- * Maine's Marine Environment, A Plan for Protection, A Report to the 114th Legislature, DEP, March 1989
- * The Nomination of Casco Bay to the National Estuary Program, DEP, July 1, 1989

Task 2 -- Strengthening Technical Assistance to Towns

- * Guidelines for Maine's Growth Management Program, DECD, December 1988.
- * Application for 1989-90 Local Planning Grants, DECD, February 1989
- * Application for 1989 Waterfront Action Grants, DECD, February, 1989
- * Protecting Prime Sites for Water Dependent Uses, DECD, March 1989
- * Managing Maine's Harbors & Waterfronts, DECD/OCP Notebook for Local Officials with: materials for Nov. 20-21 Waterfront Conference; Harbor & Waterfront Planning Handbook, Oct. 1989; Model Floodplain Management Ordinance; Mooring Plan Handbook, Oct. 1989; and A Guide to the Regulatory and Funding Process for Coastal Dredging, SPO and DECD/OCP, November 1989
- * Revision of Waterfront Section of Bath's Comprehensive Plan & Related Codes Revisions, August 8, 1989
- * Maquoit and Middle Bays Comprehensive Plan Revision, Intertide Corp., June 16, 1989
Waterfront Action Grants, DECD, June 1989
- *** Harbor Berthing Management Plan for the City of Portland, Maine & City of South Portland, Maine, Childs Engineering, November, 1989
- *** Mere Point & Sabino Wastewater Study, Brunswick & West Bath, Maine, Kimball Chase Co., Dec. 1989

- ** "Monhegan Growth Management Opinion Survey," O'Brien & Associates, July 1989; "Final Recommendations," Haskell & Timson, Sept. 1989; and "Revisions Requested to LURC's Land Use Districts and Standards," Haskell & Associates, Nov. 1989
- ** Town of Vinalhaven: Coastal Access Study, Island Institute & Eastern Mid-Coast Planning Commission, Sept. 1989
- ** Natural Resource Inventory of Clam Cove, Rockport, Maine, George, Stancioff and Zwartjes, August 1989
- ** Town of Machiasport Action Plan, Summary Report and three volumes

Task 3 -- Increasing Public Shoreline Access Opportunities

Maine's Coastal Public Access Program: Response to the Moody Beach Decision & Resulting Changes in Maine's Public Trust Doctrine, SPO Discussion Paper, June 23, 1989

Coastal Right-of Way Discovery Project: Summary of Results of Research by Town, Marine Law Institute, Univ. of Maine School of Law, Sept. 25, 1989

- *** A Guide to the Liability of Maine Landowners Providing Public Access, DECD/OCP, Dec. 1989
- *** Coastal Right-of Way Rediscovery Programs: A Handbook for Local Researchers, DECD/OCP, December 1989

Task 4 -- Promoting Working Waterfronts

A Guide to the Regulatory and Funding Process for Coastal Dredging, SPO and DECD, November 1989

Port Facility Inventory and Evaluation, Volume I, Eliot to Thomaston and Volume II, Port Clyde to Eastport, Maine Dept. of Transportation, November 1989

Planning Study of Maine Coastal Port and Harbor Needs and a separate Appendix (Sasaki Associates Inc. with Temple, Barker & Sloane, Inc., January 1990); a technical memorandum on the "Computer Database," (Feb. 1, 1990); and a floppy disk containing the database using dBase IV

- *** An Aquaculture Development Strategy for the State of Maine, Maine Coastal Program, March 1990

Task 5 -- Program Oversight & Implementation

- * Maine Coastal Program: The First Decade and Beyond
- * Design Manual: Maine's Shore Access Symbol
- * Special Coastweek Supplement to the Maine Sunday Telegram, Sept. 25, 1988

- * Set of Coastweek posters, flyers and other promotional materials
- * Implementation of Maine's Coastal Policies, 1986-1988, Maine Coastal Program, SPO, January 1, 1989.
- * Charting Our Course, An Activity Guide for Grades 6-12 on Water Quality in the Gulf of Maine, SPO, June 1989
- * Sightings: A Listing of Maine's Coastal/Marine Video Resources, SPO, May 1989

A Report on Requested 1987-88 Changes to Maine's Coastal Program, SPO, July 1989

Resubmission Document and Supplement to: A Report on Requested 1987--88 Changes to Maine's Coastal Program, SPO, October 1989

Demand for Beach Protection and Use in Maine and New Hampshire: A Contingent Valuation Approach, Bruce E. Lindsay and Helen C. Tupper, June 1989, and User Attitudes toward Beach Attributes, Protection and Development, Bruce E. Lindsay and Helen C. Tupper, August 1989.

-
- * Transmitted to OCRM with a previous Progress Report
 - ** Transmitted to OCRM with Progress Report for August through October, 1989.
 - *** Transmitted to OCRM with this Progress Report.

LIST OF PRODUCTS, CZ100 AWARD (1989-90)

Task 1 -- Core Law Enforcement & Administration

- * Guidelines for Municipal Shoreland Zoning Ordinances, Dept. of Environmental Protection, effective March 24, 1990.

Task 2 -- Local Technical & Financial Assistance

- * A Study of the Cousins River, Greater Portland Council of Governments, April 1990

Task 3 -- Acquiring Shoreline Access Sites for Public Use

Task 4 -- Coastal Policy Development

Task 5 -- Program Administration & Implementation

- ** Coastweek '89 Summary Report, Julie Ann Canniff, SPO, October 1989; Coastweek '89 Report, Julie Ann Canniff, SPO, October 1989; Maine's Coastal Cleanup '89, Summary Report and Recommendations, Flis Schauffler, SPO, October 1989.

Section C Annual Report, November 1989

"Maine's Response to OCRA's Evaluation Findings for the Maine Coastal Program for the Period from August 1986 through June 1989," and "Reprogramming Request, CZ100," February 14, 1990

- * Watershed: An Action Guide to Improving Maine Waters, Maine Coastal Program, Maine DEP, and Univ. of Maine Cooperative Extension, April 1990
- * Coast-Links, A Resource Guide to Maine's Coastal Organizations, SPO, Spring 1990

* Transmitted with this progress report.

** Transmitted with progress report for August through October 1989.

NOAA COASTAL SERVICES CENTER LIBRARY



3 6668 14102 3368